‘WISCONSIN WORKS’?:
RACE, GENDER AND ACCOUNTABILITY IN THE WORKFARE ERA

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by

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ABSTRACT OF DISSERTATION

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ABSTRACT

This project will offer an evaluative analysis of the Wisconsin Works (W-2) program as the model initiative within national welfare reform strategies. The purpose of W-2 was to present welfare mothers with alternatives to dependency. The mothers of this study offer insights from their perspectives and experiences that take this claim, by W-2, to task. In the discussion that follows I will explore a series of issues. How do these mothers evaluate the transition from welfare to the W-2 Program? What does the central goal of self-sufficiency mean to them? What does welfare reform in general mean? And, finally, is anyone listening? My research question is what happens when we place the actual voices of black mothers living through the transition from welfare to work in the model state of Wisconsin at the center of analysis and interrogate how these experiences might challenge a statistical assessment of Wisconsin’s reported success. Most mothers in this study voice concerns about the inability of W-2 to directly address their specific needs or take into account their specific conditions. In order to both contextualize and fully develop this theory I have (1) analyzed the racial and gendered discourse surrounding the development and implementation of the Wisconsin Works Program and (2) examined specifically how welfare to work laws/policies affected the lives of black mothers in Milwaukee since Wisconsin’s transition from AFDC to W-2 in 1997. What have emerged from these evaluations are three dominant clusters provided below which best describe how mothers receiving W-2 benefits evaluate the program. These evaluations can be grouped under three general terms: Paternalistic Essentialism,1 Work First Principle,2 and Privatization.3

1 Paternalistic Essentialism: within welfare discourse this concept constructs an imagined welfare mother profile by presuming the specific characteristics or behaviors unique to the welfare poor. Those who marshal a paternalistic essentialist position then assume that every member of the welfare poor is of one particular social type that the state
Embedded within these clusters are many sub-themes that have also been explored. These three concepts in no way fully encapsulate the range of experiences encountered by W-2 participants. Yet, they still give us a powerful understanding about the overarching negotiations taking place between citizen actors, state policy, and market power within the world of W-2.

will govern irrespective of multi-faceted personal choices. The profile of this essential welfare being goes on to shroud the complexities of welfare experiences under an imagined caricature no matter who the person is or what that person's particular circumstance may be. This portrait of the poor thus serves, as justification for state or market actors to make decisions on behalf of the poor with little concern for their personal wishes, interests or even needs.

2 Work First Principle: a public assistance approach that enforces time limits on aid, a primary employment requirement, and skill building instruction. This approach focuses on the acquisition of any job over the quality of job or even educational and skill-building pursuits.

3 Privatization of Welfare: initiative to introduce market relationships into the bureaucratic production of public services where a standard of social justice is replaced by an ethos of economic costs and benefits. With W-2, the state facilitated a system of privatization where counties became subcontractors in order to secure a market share of the welfare administration. This process of privatization created a system where welfare mothers were unclear about competing regulation and violations of policy, social workers were replaced by Financial and Employment Planners (FEP), and all actors involved were subjected to a new set of market-based criteria that encouraged antagonism over service provision within the daily realities of public aid.
Dedicated to:

Nylan Xavier, Noah Elias, Ellison Grant

and Davarian Baldwin

And

Bobann Richmond Harris
# TABLE OF CONTENTS

ABSTRACT ........................................................................................................................................... 3

DEDICATION .......................................................................................................................................... 6

TABLE OF CONTENTS ............................................................................................................................ 7

ACKNOWLEDGEMENTS .......................................................................................................................... 10

CHAPTER 1:
OVERSEXED, OVER-INDULGED AND OUT OF WORK: LET’S TALK ABOUT WELFARE ................................................................. 13

   Introduction

   National Welfare Reform Debates

   Wisconsin Welfare Reform

   Welfare Reform and the Intersection of Race, Gender and Class Debates

   Conclusion

CHAPTER 2:
THE U.S. SUPREME COURT AND THE POLITICS OF BLACK MOTHERHOOD ....................... 50

   Introduction

   The Role of the United States Supreme Court in Welfare Law and Policy

   Due Process, Equal Protection and Fundamental Fairness

   Federalism

   Fiscal Conservatism

CHAPTER 3:
IN SEARCH OF THE WELFARE QUEEN: A METHODOLOGY ...................................................... 100

   Introduction

   Ms. B and the Reasons for a Qualitative Study

   The Research Question

   Theoretical Framework and Ideological Perspective

   Data Collection

   Interview Questions
CHAPTER 4:
“WELFARE MOTHERS GET EVERYTHING?": BEYOND THE MYTH OF DEPENDENCY IN WISCONSIN’S WELFARE REFORM INITIATIVE

CHAPTER 5:
“W-2 PIMPS CHECKS”: WELFARE MOTHERS SPEAK BACK TO W-2
CHAPTER 6:
“THEY DON’T CARE WHAT KIND OF JOB”: WORK FIRST PRINCIPLE AND THE END OF QUALITY OF LIFE

Introduction

Work First Principle

Conclusion

CHAPTER 7:
“THOSE PRIVATE COMPANIES” AND THE POLITICAL ECONOMY OF POVERTY

Introduction

A Brief History

Lack of Uniformity

Costs and Benefits Replace Social Justice

The Effects of Privatization of the FEP worker and W-2 Client Relationship

CHAPTER 8:
MUCH ADO ABOUT SOMETHING: RECOMMENDATIONS AND CONCLUSIONS

APPENDICES

Appendix A: Interview Questions

Appendix B: Informed Consent Form

Appendix C: Tables

Appendix D: Figures

Appendix E: Application For Approval For Use of Human Participants in Research

BIBLIOGRAPHY
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CHAPTER 1
OVERSEXED, OVER-INDULGED, AND OUT OF WORK: LET’S TALK ABOUT WELFARE

“On average, we black women have bigger, better problems than any other women alive. We bear the burden of being seen as pretenders to the thrones of both femininity and masculinity, endlessly mocked by the ambiguously gendered crown-of-thorns imagery of ’queen’ Madame Queen, snap queen, welfare queen, quota queen, Queenie Queen, Queen Queen Queen. We black women are figured more as stand-ins for men, sort of like reverse drag queens: women pretending to be women but more male than men--bare-breasted, sweat-glistened, plow-pulling, sole supporters of their families.”

Patricia Williams

INTRODUCTION

Morality tales about laziness and dependency have become popular catchall narratives in the continual reconstruction of welfare policy development and implementation. The American public is overburdened by the lavish lifestyle of the Black “welfare queen.” She drives around in her nice new Cadillac, never going really anywhere in particular, unless off to pick up her welfare checks (which by the way she had gotten rich on) or to dine on steak and lobster. However, she usually stays at home watching soap operas like “Days of our Lives” generating more income by producing baby after baby. She is cunning, yet shiftless. She is clever in her manipulation of the system, yet uneducated. And, she is quite active in attaining immediate desires and wants, yet lazy in her work ethic, while betraying the ethos of delayed gratification. All hail the “welfare queen.” It is this image of the “welfare queen” that became so prevalent

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during the “welfare debates” of the 1980s and persisted as a driving force in all out demands for reform of the welfare system. Debates over welfare reform have been so saturated with this image that little attention has been paid to the actual realities or needs of welfare recipients or most explicitly, the conditions in which they live and navigate under policy reform.

My dissertation will offer an evaluative analysis of the Wisconsin Works (W-2) program as the model initiative within national welfare reform strategies. My research question is what happens when we place the actual voices of black mothers living through the transition from welfare to work in the model state of Wisconsin at the center of analysis and interrogate how these experiences might challenge a statistical assessment of Wisconsin’s reported success. In order to both contextualize and fully develop this theory I will (1) analyze the racial and gendered discourse surrounding the development and implementation of the Wisconsin Works Program and (2) examine specifically how welfare to work laws/policies affected the lives of black mothers in Milwaukee since Wisconsin’s transition from AFDC to W-2 in 1997.

This study has a particular appeal because when we think about welfare, its recipients, their presumed racial identity, and its reform, a whole host of assumptions are generated that link working poor status (especially impoverishment), to both moral and socio-cultural evaluations of laziness, promiscuity, and/or dependency. Yet, under the shadow of the “welfare queen” imagery, we rarely understand that Black working poor women used welfare programs for a whole host of reasons based upon their own set of needs and intentions. Much of the political power that initially drove the welfare reform policy forward was backed by misrepresentations of Black mothers, misrepresentations that were at some level generalizable to all women, to all black people, and specifically to all those categorized as black women. Therefore, this project seeks to find out what significance the general policy goals of independence, self-sufficiency and
accountability have for Black mothers and therefore, from their points of view, how successful is W–2. Current data which looks at economic outcomes—percent of black women moving from welfare to work who are earning wages above the poverty level—is not an adequate measure of success. Income levels do not reveal what type of jobs poor black mothers on W-2 are moved into, what type of skill building or training they receive or if poor black mothers are hired in positions for long term and permanent employment. This approach is critical because the current data on welfare reform has not been fully examined through the lens of race. We cannot know the full impact of welfare reform on working poor black women until we have subjective studies that include the experiences of these women, evaluated in their terms.

More broadly, this study is particularly significant for today’s public policy debates since statewide workfare initiatives have a pervasive impact on large groups of people. In particular, there are some unique characteristics of W-2 (which focuses on sanctions, child care subsidies, the work first principle, the intersections of private work sectors) that suggest we explore this arena to find out how low-income residents navigate state welfare reform initiatives more generally. Moreover, there is a gap within the academic literature. Definitive scholarship on welfare reform has tended to focus on a top-down or institutional examination of the success of welfare reform; the objective measuring of success based on the percentage of welfare recipients who subsequently leave the rolls. However, there has been little qualitative focus on the actual voices of black mothers living through these transitions and how these experiences might challenge a statistical assessment of success. This evaluative study will have an impact analysis focus. As an impact analysis, this project will survey the parameters of the program and its

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intended goals, examine whether the program achieved its intended goals and interrogate the success/failure of the program from the perspective of working poor Black mothers who participated in the workfare program. My specific site for studying W-2’s implementation will be Milwaukee, Wisconsin. W-2 was one of the nation’s first state programs and was central to early debates and policy reforms of the welfare system within the larger national initiative. There are currently no studies highlighting the voices of W-2 mothers and more specifically there are no studies of working poor black mothers on W-2 that evaluate programs from their perspective. Considering that this study focuses on the subjective lived experiences of Black women, an Afro-centric feminist epistemology is appropriate. Drawing on Patricia Hill Collins and bell hooks’ notions of “concrete or lived experiences,” this study situates welfare reform within the lived experiences and interpretations of Black working poor mothers from Milwaukee. This study seeks to bring back their voices, personal voices which have been ignored in discussions, despite the fact that they are central both to the debate (as the stereotypical “welfare queen”) and in its implementation (as the centrally targeted working poor).

Chapter two examines many of the major United States Supreme Court rulings that have directly addressed welfare policy. In order to examine the legal ramification and social meaning of the range of welfare cases, this chapter uses three lenses to survey the Supreme Court’s decisions: Fundamental Rights, Federalism, and Fiscal Conservatism. Chapter three will lay out the methodology which I thought was most appropriate for interrogating the meaning of Black mothers’ voices in evaluating welfare reform. This qualitative study situates a quasi-grounded theory within an Afro-centric framework. Chapter four will offer an overview of the basic institutional structure of welfare reform and its policy implications. This discussion will offer a brief history of the shift from Aid to Families with Dependent Children (AFDC) to W-2 and
most centrally offer a close reading of the W-2 manual as a window into the on the ground manifestation of welfare reform as an ideology in Milwaukee County. The next three chapters will serve as the analytical core for the larger project. Chapter five offers the notion of Paternalistic Essentialism to highlight the struggle between a program that prizes standardization and efficiency as compared to the more dynamic and individualized needs of the mothers themselves. Chapter six examines the effect of privatization on welfare policy and the impact of a cost/benefit approach to social services. Finally, Chapter seven discusses the implications of a “Work First” policy for the state-sponsored production of a working poor in the new service economy. By way of conclusion, Chapter eight reconsiders the insights provided by the women in this study and their implications for building a new welfare policy. But first, it is important to provide a backdrop for this analysis by surveying the relevant scholarly literature that has engaged welfare as an idea, social policy and a lived experience.

National Welfare Reform Debates

According to scholar Ellen Reese the backlash against the poor occurred in several stages. Beginning with the post World War II era, this country’s distaste for the welfare poor eventually produced a turn of the 21st Century rise in ultra-conservative think tanks, spawned right-wing Republican Manifestoes like the 1994, “Contract with America” and resulted in millions of families being economically displaced from state aid. The general attacks on welfare is rooted in moral and religious convictions and argues that welfare is the root cause of several societal conditions, which include breakdown in Christian family values and individual

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9 Reese, supra note 7.
moral failings, poverty, economic drain on taxpayers, out-of-wedlock births, decline in work ethic, crime and chronic and intergenerational dependency. The argument further continues that those who live in poverty are poor because of immoral/deviant behavior, character flaws, and laziness. Those who posit the family value argument modeled by the ultra-conservative think tanks such as the Heritage Foundation, America Enterprise Institute (AEI) and the Hudson Institute, as well as religious right pundits including Jerry Falwell, Pat Robertson and Jim Bakker, have reasoned that welfare mothers have somehow lost track of their Christian family values and are entirely responsible for their poverty. Tougher regulations are needed to discipline and tame these irresponsible poor mothers and get them on the road to self-sufficiency. Public aid should be reserved exclusively for those exigent circumstances beyond the control of the individual.

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16 Rector et al., supra note 13; Burton, supra note 12.
18 O’Connor, supra note 8.
19 Reese, supra note 7.
Within this discourse, scholars Mary Jo Bane and David Ellwood,21 argue that by the 1990s the typical welfare recipient was a woman who was either divorced or never married to the father of the dependent child.22 This characterization by Bane and Ellwood23 suggests that the availability of welfare encourages women to choose single parenthood and divorce over intact families because welfare was economically viable. Therefore, according to Steven Caudill and Franklin Mixon24 welfare destroys strong family structures because it awards single mothers with compensation for out-of-wedlock births and it is these behavioral defects, which propel women into poverty. Moreover, as Michael Tanner25 points out we need to implement policies which encourage stable families. Christian Right thinkers argue that the entrusted leaders in our society should promote marriage and a family economic survival plan which places dependence on a male breadwinner.26

Further, scholars Bane and Ellwood27 suggest that children who are reared in homes where welfare is the primary source of income accept more deviant behaviors such as illegitimate births, economic dependency, static employment and even violence. Doug Besharov of AEI further concludes that welfare dependency also leads to the increase in the crack cocaine epidemic in this country.28 Moreover, political scientist Lawrence Mead equates the poor to drug

22 Welfare scholars Mary Jo Bane and David T. Ellwood were recruited from Harvard’s Kennedy School of Government to the Department of Health and Human Services to assist in the development of Clinton’s welfare reform proposals. When Clinton signed the 1996 welfare reform legislation, Bane and Ellwood, along with Wendell Primus resigned their positions.
23 Bane and Ellwood, supra note 21.
25 Tanner, supra note 11.
26 Randy Albelda and Chris Tilly, Glass Ceilings and Bottomless Pits: Women’s Work, Women’s Poverty (Boston: South End Press, 1997); Reese, supra note 7.
27 Bane and Ellwood, supra note 21.
28 Reese, supra note 7.
addicts, criminals and street hustlers.\textsuperscript{29} Therefore, in order to rid society of such incorrigible behavior, according to Charles Murray,\textsuperscript{30} welfare reform should be made unattractive to control the sexual promiscuity of poor mothers and only tough love policies implemented through welfare reform should be used to regulate such behavior.\textsuperscript{31} Former Speaker of the House, Newt Gingrich further suggests, poor mothers who are unable to support their children should be compelled to give them to the state’s foster care system.\textsuperscript{32}

Another suggested behavioral defect of welfare in the 1990s was brought forth by noted architect of Wisconsin’s welfare to work program and former governor, Tommy Thompson. Thompson\textsuperscript{33} argues (pulling on the logic of Moynihan decades earlier)\textsuperscript{34} that welfare encourages a culture of dependency and irresponsibility by telling society that welfare behaviors are acceptable and that there are no real consequences. It allows people to receive cash assistance without any obligations in return and allows them to languish in a perpetual “culture of poverty” passing this behavior on from generation to generation.\textsuperscript{35} Thompson is not alone in his belief that welfare feeds a culture of long term dependency.\textsuperscript{36} Bane and Ellwood further suggest that without the mandatory requirement of work, poor mothers would typically remain on welfare for

\textsuperscript{29} Burton, \textit{supra} note 12.
\textsuperscript{30} Murray, \textit{supra} note 14.
\textsuperscript{35} Oscar Lewis, \textit{La Vida: A Puerto Rican Family in the Culture of Poverty, San Juan and New York} (New York: Random House, 1965).
\textsuperscript{36} Tanner, \textit{supra} note 11; Bane and Mead, \textit{supra} note 10.
long durational periods.\textsuperscript{37} Others, such as Murray add that welfare is the lifeline for several social pathologies which not only include dependency,\textsuperscript{38} but also drug addiction, crime and an unmotivated underclass.\textsuperscript{39} He further opines that welfare actually makes things worse for the poor because it allows mothers to avoid work and continue to have children at the expense of the state.\textsuperscript{40} Moreover, Mead and Murray\textsuperscript{41} both agree that these welfare “lifers”\textsuperscript{42} will have no incentive to use birth control to prevent more illegitimate children devoid of paternal assistance or supervision because the mothers are immoral.

By the 1990s, most efforts toward welfare reform targeted primarily Aid to Families with Dependent Children (AFDC) programs. The catchall rationale was that welfare costs taxpayers too much money.\textsuperscript{43} Despite the fact that federal spending on welfare was two percent of the national budget, Robert Rector of the Heritage Foundation asserts that the total spending increased by eight times from 1975 to 1995.\textsuperscript{44} Appropriately, policy reform was driven by the maxim: all recipients who are able to work should work.\textsuperscript{45} Many conservative scholars, journalists and critics, such as Besharov and Murray argue that for recipients who are able to work, it is not the job of taxpayers to foot the bill.\textsuperscript{46} Journalist, Jason DeParle, reports that those recipients who participate in work related experiments earned more than what those who do not

\textsuperscript{37} See, Bane and Ellwood, supra note 21.
\textsuperscript{38} See, Murray, supra note 14.
\textsuperscript{40} Murray, supra note 14; See also, Burton, supra note 12.
\textsuperscript{42} Adapted from inmates who have life sentences, this term implies mothers who typically remain on welfare for long durational periods. See, Bane and Ellwood, supra note 21, where almost one fourth of those on AFDC collect for ten plus years.
\textsuperscript{43} See, Dickinson, supra note 12; See also, Burton, supra note 12.
\textsuperscript{44} Rector, supra note 36; See also, Abramovitz, supra note 15; Withorn, supra note 20.
\textsuperscript{45} Rector, supra note 36.
and additionally earn more than they would receive from their state supported checks. This reveals that if implemented on a long-term basis as New Republic’s senior editor Mickey Kaus advocates, workfare programs can be the end to the cyclical culture of poverty syndrome infecting our poor. Moreover, Mead suggests that it is financially irresponsible for the government to give the poor the option to work. Work must be an obligation in order to receive benefits. Steven Teles adds welfare reform provides the opportunity for individuals to be integrated into the system while at the same time fosters independence and more self-sufficiency, even if the wages could not support the family. Reformers such as Besharov and Murray rationalize that tough love will allow the next generation “to stand on their feet” and eliminate the intergenerational cycle of dependency. Welfare reform requires the recipient to take responsibility for themselves, their actions and their children by allowing temporary allocations of cash assistance. Mead further suggests that mandatory work requirements convey to the individual that if you need something you must work for it. And, those who are unable to work should seek help from individual families, the community, or other private charities to create networks of support.

Yet scholars, such as Tanner, counter that the problem is not poor work ethic, the problem is the welfare system itself. Therefore, welfare should not be reformed but completely discontinued because it promotes family break-ups, de-values the importance of work, fosters a

49 Mead, supra note 41.
51 Besharov, supra note 46; Murray, supra note 14.
52 Teles, supra note 50.
53 Mead, supra note 41; See also, Burton, supra note 12.
55 Tanner, supra note 11.
community of criminal acceptance and fails to decrease poverty. The social responsibility to provide for the poor should be transferred to charitable organizations particularly for those who are considered employable.\textsuperscript{56} If we discontinue current welfare reform programs, people will be forced to fend for themselves and relieve their impoverished conditions.\textsuperscript{57} Further, conservative scholars such as Robert Rector, Mead and Murray continuously argue that it is better for the poor to live as “working poor” than as the “dependent poor”.\textsuperscript{58}

As a part of the opposing argument, many have countered that welfare reform has been informed by misguided and incorrect assumptions about the behavior of the poor,\textsuperscript{59} create a set of moral misconceptions,\textsuperscript{60} a new caste of poor citizens,\textsuperscript{61} is in fact what increases poverty,\textsuperscript{62} encourage a middle-class value system without contextualizing the conditions created by poverty,\textsuperscript{63} create a patriarchal solution for mothers in poverty,\textsuperscript{64} establish a regressive and punitive state system\textsuperscript{65} and hypocritically target the poor.\textsuperscript{66} Scholar Brendan O’Connor specifically argues that welfare reform policies which simply focus on behavioral defects in recipients fail to take into consideration the structural causes of poverty.\textsuperscript{67}

\begin{itemize}
\item \textsuperscript{56} Ibid.
\item \textsuperscript{57} Ibid.
\item \textsuperscript{59} Burton, supra note 12; Bane and Ellwood, supra note 21; Ruth Sidel, \textit{Keeping Women and Children Last: America’s War on the Poor} (New York: Penguin Books, 1996).
\item \textsuperscript{60} O’Connor, supra note 8.
\item \textsuperscript{61} William J. Wilson, \textit{The Truly Disadvantaged} (Chicago: The University of Chicago Press, 1987).
\item \textsuperscript{63} See, Wilson, supra note 61; See also, generally Bane and Mead, supra note 10.
\item \textsuperscript{65} Bane and Mead, supra note 10.
\item \textsuperscript{66} Burton, supra note 12.
\item \textsuperscript{67} O’Connor, supra note 8.
\end{itemize}
It is striking, as scholar Mary Childers notes, that the same behavior exhibited by both poor women of color and middle-class white women are viewed so differently. Activities deemed as lazy and immorally dependent in one group of women would be understood and accepted as depression in the other group.\textsuperscript{68} Moreover, Sanford Schram and Joe Soss point out that welfare reform has been overwhelmingly supported because the only measurements of success considered are caseloads and leaver statistics.\textsuperscript{69} They continue that there are other evaluative criteria, which need to be explored that could change the public’s assessment of the success or failure of the welfare reform programs.\textsuperscript{70} Scholar, Virginia Schien suggests that evaluators should also consider the environmental effects of poverty, focusing not only on individual choices but also institutional choices.\textsuperscript{71} Further scholars continue that by concentrating on a conservative language of responsibility and self-sufficiency, the new welfare legislation does not take into consideration the sources of poverty or the barriers and obstacles (for example, child care, transportation, family dissolution, domestic violence) faced by those who have to seek public assistance.\textsuperscript{72} Elaine McCrate and Joan Smith continue that as long as


\textsuperscript{70} Schram and Soss, supra note 69.

\textsuperscript{71} Virginia E. Schein, Working from the Margins: Voices of Mothers in Poverty (Ithaca: Cornell University Press, 1995).

welfare reform does not consider the full range of experiences of these single mothers, the program is bound to fail. In addition, Eitzen and Zinn comment that ending the federal government’s involvement with the welfare program created inequitable and disproportionate outcomes for women from state to state. With the new legislation, states are given more authority to deny eligibility and enforce other more punitive actions against mothers who are not complying with work requirements. So what this leaves, according to scholars Randy Albelda and Chris Tilly, are a host of contradictions about what society values. Welfare reform propaganda advocates for family values while simultaneously devaluing the work that mothers do inside their homes; it advocates for compulsory work requirements while simultaneously making no assurance to poor families that meaningful job opportunities would be available. At the same time, welfare mothers are demonized for their dependency on state aid while simultaneously encouraged to depend on a male-bread winner or low-wage employer. In the case of low-wage employment, scholars Lisa Catanzarite and Wilma Ortiz argue that the war waged against dependency has not been won simply because “an inadequate welfare check is replaced with an inadequate pay check”.

Critics further argue that welfare reform laws are too concerned with simply correcting the supposed behavioral missteps of the poor and do not offer a more just distribution of state resources for its citizens. Albelda and Tilly point out that programs such as learnfare, bridefare,
freedomfare, shotfare and family caps are an attempt by state governments to control the behavior of the poor even in situations where studies have proven that no such abnormal behavior exist or that such behaviors do not produce poverty. In addition, a study by Ann Nichols-Casebolt found that an overwhelming number of women of color preferred two-parent family households to single parent family households. Therefore, single mothers are forced to contend with situations they face despite desiring another breadwinner in the home. In fact, Catanzarite and Ortiz contend that dissolution of marriages probably have more devastating effects for white people because many Black families live in poverty despite the fact that they have two breadwinners. Therefore policies such as bridefare, should concern themselves with solutions to create more economic security and less with establishing legitimate bed partners.

Further, Ruth Horowitz asserts that current welfare reform discussions are misdirected. By example, J. Larry Brown and Sandra H. Venner (1999) contend that poor mothers do not decide to have children so that they can get a welfare check. Likewise, Schein points out that many women who apply for welfare assistance do so out of necessity and not because they would rather receive aid over work. The reality is that poor people are poor not because they want to be poor; they are poor according to Burton because they do not have any money. Catanzarite and Ortiz further point out that when one looks at the labor market, it is segregated

78 Albelda and Tilly, supra note 26; See also, Catanzarite and Ortiz, supra note 77.
80 Burton, supra note 12.
81 Catanzarite and Ortiz, supra note 77.
84 Schein, supra note 71.
85 Burton, supra note 12.
by gender and by race and minority workers are employed in occupations which pay low wages.  

Horowitz further argues that the only way to solve society’s social problems of welfare dependency and poverty is fair and equitable economic conditions and not the elimination of welfare. This does not necessarily mean a redistribution of wealth from the rich to the poor (although that would be nice), it means creating meaningful, sustaining jobs for the poor.

Noted success of welfare reform has been reported due to the decline of welfare rolls. However, scholars Brown and Venner point out correctly that welfare rolls began to decline in 1992, four years before the enactment of the current legislation. Further, while the new legislation has pushed people off the rolls and into the labor market, overall poverty rates have not declined.

Activist and scholar Frances Fox Piven points out by example, while Wisconsin has been heralded as the model case study because of its dramatic decrease of people on the welfare roll; little attention has been paid to the increase in extreme poverty that has accompanied the dramatic decrease in numbers. Under the new guidelines of TANF the maximum time limit on cash assistance is five years. Scholars Gertrude Goldberg and Sheila Collins note that for a woman living in poverty this is hardly enough time to accumulate enough wealth for a family to live above the poverty line. Such an approach will not eliminate the poverty problem and is very punitive to poor mothers who lack the skills needed to move off welfare; skills that certainly cannot be obtained within the maximum five year limit. Scholar Betty Reid Mandall also adds

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86 Catanzarite and Ortiz, supra note 77.
87 Horowitz, supra note 82.
88 Brown and Venner, supra note 83.
that the welfare reform lifetime limit would make the lives of poor innocent children more miserable and tear apart the safety net that existed for them.\textsuperscript{92}

Eitzen and Zinn continue that mandatory work is not the solution to the poverty problem in America.\textsuperscript{93} Further, mandatory work requirements do not pay enough for basic family needs such as food and housing. The reality is, according to Eitzen and Zinn, there are not enough jobs for everyone and job availability will continue to decrease as we increase the number of people required to enter the labor force.\textsuperscript{94} In fact, a study by Kenneth Finegold and Laura Wherry of welfare reform effects has shown that poverty and employment hardships remained unchanged despite welfare reform.\textsuperscript{95} Schein reasoned that in order for economic conditions to change for the poor, poor mothers have to be given opportunities which lead to more than low paying jobs.\textsuperscript{96} McCrate and Smith add there are still high unemployment rates for single mothers while families continue to live in poverty.\textsuperscript{97} People of color, women and children are the poor.\textsuperscript{98} In 2004, 39.6\% of Black female-headed families continue to live in poverty.\textsuperscript{99} The unrecognized consequence, as poor single mothers are pushed into the workplace, is that welfare reform has failed to create sufficient full-time steady employment or equip these mothers with the skills and education needed to successfully enter the workforce.\textsuperscript{100} Moreover, these women are

\textsuperscript{93} Eitzen and Zinn, \textit{supra} note 72.
\textsuperscript{94} Ibid.
\textsuperscript{96} Schein, \textit{supra} note 71.
\textsuperscript{97} McCrate and Smith, \textit{supra} note 73.
\textsuperscript{98} Albelda and Tilly, \textit{supra} note 26.
\textsuperscript{100} Brown and Venner, \textit{supra} note 83.
continuously competing with other low-wage workers for jobs with no opportunity for advancement.

Horowitz further claims that enforcing middle-class and archaic values (sexual abstinence and deferred gratification) on poor mothers will not eliminate the pregnancy problem. By example scholars Gary Delgado and Rebecca Gordon point out that critics like Murray and Mead who argue aggressively for family caps and contraceptive implants are using public policy rhetoric to control the assumed deviant sexual behavior of poor mothers. Any rise in illegitimate births has little to do with how much money a person will receive while on welfare. Poor mothers continue to have children despite the aggressive family cap regulation. Many studies have revealed that women on welfare do not have children to increase their welfare benefits. A study conducted of women in the state of Wisconsin showed that those who received AFDC had lower rates of fertility than the general population. Another study conducted by the University of Michigan in 1994, further concludes that there is very little correlation between the decision to have a child and welfare status. This seems to suggest at least according to Burton, that welfare is a result of child-birth and not the cause. Horowitz suggests that welfare reform and its strict implementation will instead create a more fortified set of constraints on a class already relegated to poverty, or as welfare scholar, Diana Pearce notes

101 Frances Fox Piven, Interview by author, 2005; See also, Burton, supra note 12.
102 Horowitz, supra note 82.
103 Delgado and Gordon, supra note 17.
104 Brown and Venner, supra note 83.
105 Burton, supra note 12.
107 Albelda and Tilly, supra note 26.
108 Burton, supra note 12.
109 Horowitz, supra note 82.
further perpetuate the “feminization of poverty” cycle in part at the hands of public policy. Scholars Albelda and Tilly reveal that the new welfare reform policy has created more harsh welfare policies and subjects poor women to the everlasting condition of the bottomless pit syndrome where economic conditions, discrimination and job segregation continue to limit women’s meaningful access to the labor economy. As Bane points out, policymakers should also carve out responses to these plausible causes of poverty instead of focusing on the inherent behaviors of the recipients. Since the federal government’s decision to jettison the entitlement program, states have full authority to run their state workfare programs, which leads to no uniformity, accountability or discretion to regulate the lives of the poor.

Ruth Sidel and Ann Shola Orloff add that welfare gave women economic freedom (an independent as opposed to dependent quality) by allowing poor mothers the opportunity to escape abusive relationships and become independent of abusive husbands and partners. Schein argues that current welfare reform trends continue to promote patriarchal society values which seek to keep women dependent on men (regardless of the situation). Gwendolyn Mink continues that welfare reform encourages poor mothers to remain dependent on men by “forcing” them to marry the father of their children or as Sidel adds requiring women to stay in verbally or physically abusive relationships for financial support just to be with a male

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112 Bane and Mead, *supra* note 10.
115 Schein, *supra* note 71.
breadwinner. While some women may be eligible for the domestic violence/hardship exemption, the TANF regulations still pose problems for these women. According to Sandra Edmonds Crewe, states may only exempt twenty percent of their eligible population (including the disabled) from the work requirement.

Scholars also argue that while images of over-taxed citizens and ballooning federal budgets were compelling, the harsh reality is that the total amount of federal spending, particularly money allocated to cash assistance, made up a miniscule fraction of the federal budget. Further, corporate welfare accounts for more of the federal budget than programs targeted to assist the poor. Sidel points out that there are many examples of corporate welfare and welfare for the non-poor which include tax deductions, veterans’ benefits, Medicare, unemployment and worker’s compensation, and educational scholarships, to name a few. Moreover, scholar Mimi Abramovitz continues that the responsibility for states to shoulder the costs of behaviors which it may not approve is not unique to welfare, states support prisons which do not deter criminal behavior, they give subsidies to reduce farming, and support illegal military actions. Corinne A. Carey adds that history has shown that there is a double standard being employed against the poor. Although corporations also receive federal funding, the government spends a significant amount of money to watch over the poor and not any type of regulatory spending to watch over what businesses do with their federal aid. Moreover, according to Abramovitz only one percent of the federal budget in 1994 was allocated to welfare

117 Sidel, supra note 59; See also, Albelda and Tilly, supra note 26.
118 Crewe, supra note 54.
119 Albelda and Tilly, supra note 26; Abramovitz, supra note 15.
120 Sidel, supra note 59.
121 Abramovitz, supra note 15.
programs. Unfortunately, the public’s attention to the government subsidy support of corporations does not exist.

These larger realities about the wide spectrum of government welfare aid must be added to any discussion of public policy and reform, especially when measuring economic dependency or the terms of entitlement to state aid. Moreover, in considering the unparalleled “achievements” of welfare reform in model states like Wisconsin, one must keep in mind exactly how reform has been imagined and implemented. As power has been turned over to the states, what can Wisconsin tell us about the current trends in welfare reform? Amidst an unprecedented removal of recipients from the rolls, have the particularities of recipient’s lives been at all factored in to the motivations for reform or the measures of its success?

**Wisconsin Welfare Reform**

Wisconsin’s lead role in reform demands special attention in larger discussions about its success as a model welfare case study. Much of the discussion around debates on poverty, welfare reform and workfare in Wisconsin, centers on the scholarship of political scientist, Lawrence Mead. Therefore, those who support or oppose policy decisions relating to welfare reform in Wisconsin have to respond to Mead’s framework. Included here are a few of Mead’s positions on how Wisconsin Works (W-2) has succeeded. The common themes discussed in the scholarship of Mead focuses on paternalism, good government and a “tough love” approach to welfare recipients. In his book, *Beyond Entitlement*, Mead argues that in order to make the poor less dependent on social programs, they must be relieved of their culture

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of dependency, obligated to work and watched over to make sure they conform.\(^{127}\) Many of Mead’s arguments are reminiscent of the position taken by Murray. However, the major difference is where Murray argues for the dismantling of the welfare system, Mead proposes a shift from cash assistance to a work first policy.\(^{128}\) Mead positions welfare reform in Wisconsin as a cutting edge model case because its W-2 program did just that. In his opinion W-2 was a huge success due to what he identifies as a superior state government, determined administrators and legislators, a top-down approach to policy implementation, and an inter-racial coalition advocating for social reform.\(^{129}\) Wisconsin, according to Mead, was the perfect example of success because it is a story proving that you don’t have to keep giving handouts to the poor to help them. He celebrates that requiring individuals to move from public assistance to work has reduced caseloads,\(^{130}\) lowered rates of family in poverty,\(^{131}\) given individuals more accountability and responsibility for their actions,\(^{132}\) raised employment rates for single mothers,\(^{133}\) and increased income levels for poor families.\(^{134}\) Mead continues that employment programs are effective because they have had a positive impact and produced sharp declines in AFDC in Wisconsin by making individuals responsible for their situation as opposed to the state.\(^{135}\) Further, Mead argues that so long as welfare recipients are introduced to work, their income does not have to increase in order for the program to be deemed successful. Quality of life is determined by the fact that they have been introduced to work and are removed from the

\(^{127}\) Mead, supra note 41.

\(^{128}\) Murray, supra note 14; O’Connor, supra note 8.


\(^{131}\) Mead, supra note 129.

\(^{132}\) Mead, supra note 129, citing Murray, supra note 14.

\(^{133}\) Mead, supra note 129.

\(^{134}\) Ibid.

\(^{135}\) Ibid.
welfare rolls. According to E.J. Dionne Jr., Jean Bethke Elshtain, and Kayla Drogosz, Mead’s interest was in eliminating the culture of poverty and instilling a protestant work ethic.\textsuperscript{136} Moreover, a study conducted by Maria Cancion, Robert H. Haveman, Daniel R. Meyer and Barbara Wolfe, confirms that as compared to other state programs instigating welfare reform, women in Wisconsin enjoyed a higher rate of employment after they left the W-2 program.\textsuperscript{137} Ehrle further suggest that welfare reform in Wisconsin is successful because of a paternalist arrangement, which focuses on empowering recipients to be self-sufficient and work based on altering behavior.\textsuperscript{138} Former Wisconsin Governor Tommy Thompson argues that welfare reform was about changing values among the poor population.\textsuperscript{139} Even if it is suggested that the real decline in welfare rolls in Wisconsin is due to restrictive policy decisions, these regulations are over powered by highlighting Wisconsin’s strong state economy and a commitment to the job training of its former welfare recipients.\textsuperscript{140}

Taking the advocacy and opposition to Wisconsin’s welfare reform collectively, reveals a vibrant and necessary debate. Opponents to punitive welfare reform expertly highlight precisely how a predominately female working class is further relegated to the bottom rungs of poverty. Reese points out that the W-2 program was so concerned with pushing recipients into jobs without careers that it obligated recipients to accept whatever jobs came first and encouraged teen mothers to discontinue studies in high school for low-wage employment. She further argues that in essence, Wisconsin’s work first program pushes work first above all other alternatives


\textsuperscript{138} Ehrle Macomber et al., \textit{supra} note 130.


\textsuperscript{140} Albelda and Tilly, \textit{supra} note 26.
including education and skill training. Reese cites a 1998 study which reported that of the 670 respondents and participants in the W-2 program, none received any skill training courses or higher education opportunities. But even this general body of scholarship does not fully examine the racial divisions within gendered labor and living. Critics such as Orloff counter that welfare and policy debates about welfare reform have never been gender or racially neutral.

But, particularly within the scholarship on welfare reform in Wisconsin, not enough attention has been paid to how race, class and gender affect policymaking and its implementation. Advocates for welfare recipients warn that before we can address the systemic problems inherent in our system, broader issues of race, class and gender bias must be overcome.

Turning to the national scholarship on race, class and gender analysis points toward a more comprehensive understanding of welfare reform by taking into account how racialized and gendered stereotypes (“welfare queen”) limited the scope of possibilities within state level policy debates and implementation. Persistent assumptions, not about all women, but about Black working class women have inspired and structured the call for reform, while the actual experiences of these women are left unexamined. Situating state level welfare reform scholarship within nation-wide analyses of race, class, and gender welfare realities provides the foundation for a more comprehensive and workable notion of welfare reform “success” in Wisconsin or anywhere else.

**Welfare Reform and the Intersection of Race, Gender and Class Debates**

Within the policy reform literature, welfare scholars such as Linda Burnham and Kaaryn Gustafson and Lisa Brush inform us that discourse around welfare reform is seen as a
nominally race neutral policy where racism was an unintended component. In fact it has been suggested that the intent of welfare reform legislation was to reduce the national debt, promote family values, enhance economic security for the poor, and instill self-sufficiency through work. Mead further notes that the conservative idea of welfare reform came to dominate not because of racist welfare ideology but because it was more popular and practical to make people work for cash assistance. He continues that issues of race in welfare policy debates were less important than issues of work responsibility. It is even argued that disparities in income among races is a result of genetically inferior intelligence or because Black people do not have adequate education and training and not because of the adoption or implementation of racist policies. Further, policies may seem to be targeted at Black people and other people of color, however, the reality is that illegitimate births are higher among the Black population; and therefore, race-neutral policies, such as a family cap will disproportionately affect the Black population. However, as O’Connor points out “the fact that these claims became part of the mainstream debate—rather than being deemed racist—reflected a new willingness of conservatives and others to openly scrutinize and criticize American Blacks.”

Scholars Hunter Cutting, John Avalos and S. Xochitl Bervera, suggest that decision-makers have been able to envision the new welfare reform policy as race neutral because race

147 Mead, supra note 129.
148 Bane and Mead, supra note 10.
150 Bane and Mead, supra note 10; See also, Christopher Jencks, Rethinking Social Policy: Race Poverty and the Underclass (Cambridge: Harvard University Press, 1992).
151 Burton, supra note 12; Albelda and Tilly, supra note 26.
152 Tanner, supra note 11.
153 O’Connor, supra note 8 at 129.
has been ignored and simply dismissed altogether as being a problem in our society.\footnote{Hunter Cutting, John Avalos, and S. Xochitl Bervera, “Silencing Poverty: A Study on News Coverage of Welfare,” in From Poverty to Punishment: How Welfare Reform Punishes the Poor, ed. Gary Delgado (Oakland, CA: Applied Research Center, 2002), 121.}{154} Political scientist Ange-Marie Hancock’s study\footnote{Hancock, supra note 64.}{155} in fact concludes that representations associated with the “welfare queen” image as singularly a poor, single, and Black woman, not only manipulated the debates on welfare reform but also heavily influenced the policy options available.\footnote{For insightful studies which demonstrate that the image of the welfare queen has a specific race see, Martin Gilens, “Race Coding and White Opposition to Welfare,” The American Political Science Review 90, no. 4 (1996): 593; Martin Gilens, Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy, (Chicago: University of Chicago Press, 1999); Martin Gilens, “How the Poor Became Black: The Racialization of American Poverty,” in Race and the Politics of Welfare Reform, eds. Sanford F. Schram, Joe Soss, and Richard Fording (Ann Arbor: University of Michigan Press, 2003), 101.}{156} According to Catanzarite and Ortiz, the truth is that reform policy targeted at the poor affect minority women and children in disproportionate ways.\footnote{Catanzarite and Ortiz, supra note 77.}{157} By example, according to scholar Burnham, states have kept meticulous records of welfare roll shrinkage, but they are less likely to have disaggregated their statistical data by race, so it is difficult to get quantitative data on just how punitive the reform policy has been for women of color.\footnote{Linda Burnham, “Racism in U.S. Welfare Policy: A Human Rights Issue,” in From Poverty to Punishment: How Welfare Reform Punishes the Poor, ed. Gary Delgado (Oakland, CA: Applied Research Center, 2002), 121.}{158} Further, Roberts and Hancock inform us that even the most seemingly neutral arguments for welfare reform, i.e. Mead’s, are directly informed by a faulty racial reasoning.\footnote{Dorothy E. Roberts, “Racism and Patriarchy in the Meaning of Motherhood,” American University Journal of Gender and the Law 1 (1993): 1; Ange-Marie Hancock, “Contemporary Welfare Reform and the Public Identity of the ‘Welfare Queen,’” Race, Gender, and Class 10, no. 1 (2003): 31.}{159} Hancock further suggests that conservative scholarship such as Mead’s work is heavily predicated on the public’s image of the “welfare queen,” the equation of poverty with race and myths of Black people’s inter-generational

\footnote{During the 1997 presidential campaign of Ronald Reagan, this term was used to describe a woman who had “eighty names, thirty addresses, twelve social security cards and is collecting veteran’s benefits on four non-existing deceased husbands” who had scammed the country out of $150,000 tax-free income. He actually exaggerated a story of an atypical Chicago welfare recipient who was charged with welfare fraud of $8,000 not $150,000 for using four names. Hancock, supra note 64; See, David Zucchinno, Myth of the Welfare Queen: A Pulitzer Prizewinning Journalist’s Portrait of Women on the Line (New York: Scribner, 1997).}{160}
dependency and cultural deviance.\textsuperscript{161} While Mead may argue that the welfare reform debates were informed by racially neutral intentions, Mead’s view in particular, according to scholars Diane Dujon and Ann Withorn, was built on his belief that Black people inherently lacked an interest in work.\textsuperscript{162} Therefore, he suggests that they were easy targets for the claims of dependency on public assistance and cycles of poverty. Further, while Bane believes that overt racism and discrimination have been overcome by civil rights gains, she pulls from social scientist Glenn Loury to point out that minorities are still systematically disadvantaged when it comes to the social markers of economic progress.\textsuperscript{163} Loury’s theory of racial inequality\textsuperscript{164} argues that while there are no inherent differences among the races, Black upward mobility suffers from self-reinforcing stereotypes (where an individual within a subjugated groups buys into a stereotype imposed on them), preconceived and self-fulfilled racial conventions and stigma (here whites interact and engage Blacks based on unquestioned stereotypes) and discrimination in contact (where Blacks are excluded from access to social capital through cross race interactions and networks).\textsuperscript{165}

Not only was the push for welfare reform influenced by racial stereotypes, but according to legal scholars Delgado and Gordon, appropriate gender roles were also influenced by race and class assumptions and therefore the 1960s rise of women of color on the welfare rolls was hardly contemplated when the public assistance program was enacted.\textsuperscript{166} Moreover, Delgado and Gordon also note, “the underlying ideology gradually changed from…devious, defective, deviant

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  \item \textsuperscript{161} Schein, supra note 71; Burnham, supra note 158.
  \item \textsuperscript{162} Diane Dujon and Ann Withorn, eds. For Crying Out Loud: Women’s Poverty in the United States (Boston: South End Press, 1996).
  \item \textsuperscript{163} Bane and Mead, supra note 10.
  \item \textsuperscript{164} Glenn C. Loury, The Anatomy of Racial Inequality (Cambridge, MA: Harvard University Press, 2002).
  \item \textsuperscript{165} Bane, supra note 99.
  \item \textsuperscript{166} Delgado and Gordon, supra note 17.
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and most important dark."\textsuperscript{167} They further assert that these racialized and sexist character flaws of deviance have been revealed in two separate areas. One flaw involves deviant economic behaviors and the other involves deviant abnormal sexual behaviors.\textsuperscript{168} On the one hand, these women are seen as unwilling to work and willing to remain dependent on the state’s assistance while at the same time they are also perceived as irrational and dysfunctional because they continue to have children in female-dominated households.\textsuperscript{169} Delgado and Gordon point out that the deviant economic behavior arguments are important to discussions of welfare reform because these types of arguments are crucial in ignoring any structural racial barriers embedded in our capitalist market.\textsuperscript{170} Further Hancock agrees that even within Black communities, appropriate behavioral prescriptions, adopted from the notions of traditional Victorian motherhood, were also enforced by Black leadership.\textsuperscript{171} She argues that Black clubwomen also served as a source of marginalization for poor Black mothers who were characterized as lazy and oversexed. Hancock further contends that a Black middle-class critique of the Black poor has appropriated the public’s mainstream image of the “welfare queen.” This reveals that intra-racial class conflict must be understood within the larger backlash against the poor. Hancock notes that within the Black political arena, the already marginal position of racialized elites within the mainstream found many also supporting theoretical frameworks of deserving and undeserving poor.\textsuperscript{172} When policy options favored those in the latter category (defined by their lack of

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\item\textsuperscript{167} \textit{Ibid.} at 28.
\item\textsuperscript{168} Delgado and Gordon, \textit{supra} note 17.
\item\textsuperscript{169} \textit{Ibid.}
\item\textsuperscript{170} \textit{Ibid.}
\item\textsuperscript{171} Hancock, \textit{supra} note 64.
\item\textsuperscript{172} \textit{Ibid.}
\end{itemize}
commitment to sexual morality or protestant work ethics) Black decision-makers opposed liberal welfare policies.\textsuperscript{173}

Moreover, Gilens and Orloff add that the topic of welfare was racialized by political rhetoric and then exploited by media coverage.\textsuperscript{174} Hancock’s study revealed that the public’s distorted image of the “welfare queen” by the media influenced policy options available for reform legislation.\textsuperscript{175} Scholars Jean Hardisty and Lucy Williams also argue that media images of Black and White mothers were so different that the only conclusions that can be made about the current policy were that it was founded on faulty racial images.\textsuperscript{176} Scholar, Laura Flanders further argues that the media generated false stories to support the conservative rhetoric.\textsuperscript{177} This in turn allowed the debates on welfare reform to continue to fuel the fire for the media to circulate myths about over-sexed Black mothers, high rates of teen pregnancy, and excessive costs of welfare to the national debt. By way of example, the media representation that portrayed Black women as having more children for more welfare benefits was at the heart of the family cap regulation.\textsuperscript{178} According to Hancock, the media (electronic and print) used images of Black mothers as the face of the poor in over sixty-five percent of the cases in the study.\textsuperscript{179} In addition, Flanders further agrees that there was a racial subtext in the way welfare mothers were portrayed by photo journalists.\textsuperscript{180} Moreover, despite the media’s insistence that women on welfare lack

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\textsuperscript{173} By way of example, New Jersey’s African American State Senator Wayne Bryant authored the New Jersey Family Cap law.
\textsuperscript{174} Gilens, supra note 156; Orloff, supra note 114.
\textsuperscript{175} Hancock, supra note 64.
\textsuperscript{176} Jean Hardisty and Lucy Williams, “The Right’s Campaign Against Welfare,” in From Poverty to Punishment: How Welfare Reform Punishes the Poor, ed. Gary Delgado (Oakland, CA: Applied Research Center, 2002), 53; See also, Reese, supra note 7.
\textsuperscript{177} Flanders, et al., supra note 139; See also, Hancock, supra note 64.
\textsuperscript{178} Flanders, et al., supra note 139.
\textsuperscript{179} Hancock, supra note 64, at 59.
\textsuperscript{180} Flanders, et al., supra note 139.
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work ethic, most single mothers turned to welfare for assistance because one income is just not enough to support a family.\textsuperscript{181}

Further, according to Vicki Lens, the politics behind the old welfare system did not change with welfare reform – consequently older stereotypes and myths are recurrent within the new program.\textsuperscript{182} According to Orloff, the clientele are almost exclusively nonwhite in urban locales.\textsuperscript{183} Therefore, according to scholars Kenneth Neubeck and Noel Cazenave, it is not that the new welfare reform ignores race but instead, racist stereotypes of poverty and welfare recipients became a way to restore racial control and enabled racism in welfare reform politics.\textsuperscript{184} The notion of welfare racism is embedded in the historical context of AFDC, considering that according to scholar Schram, these policies have always been influenced by racial inequality.\textsuperscript{185} Neubeck and Cazenave further assert that within welfare reform debates, political conservatives have deployed a racist welfare ideology to justify negative perceptions and therefore de-legitimize public assistance programs.\textsuperscript{186} Hardisty and Williams continue that this welfare ideology is based on conscious dissemination of racial stereotypes.\textsuperscript{187} Moreover, according to Burnham, the public debates regarding the current welfare reform legislation were heavily dependent on the “racialization of poverty.”\textsuperscript{188} She notes, “PRWORA is steeped in racist

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\textsuperscript{181} Albelda and Tilly, \textit{supra} note 26.
\textsuperscript{183} Orloff, \textit{supra} note 114.
\textsuperscript{186} Neubeck and Cazenave, \textit{supra} note 184.
\textsuperscript{187} Hardisty and Williams, \textit{supra} note 176.
\textsuperscript{188} Burnham, \textit{supra} note 158; See also, Hancock, \textit{supra} note 64.
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intent, racially based in its implementation and has racially differentiated impacts.”

Furthermore scholars Amy Wax and Phillip Tetlock even conclude that “however we think we feel or act, and however much apparent progress has been made, there is no hope for us, we are all racist at heart.”

Additionally, Eitzen and Zinn contend that conservative assumptions (welfare is too generous, mothers will continue to have babies if we continue to give them money, the poor need tough love) also create a racial subtext, which undermined the possibility of creating welfare reform legislation that, could actually have been race-neutral. Scholars such as Schram, Neubeck and Cazenave, Steve Savner and Rebecca Gordon found that the adoption and implementations of certain state welfare reform policies, such as family caps and lifetime bans have also been influenced negatively by racist assumptions. States which have higher concentrations of people of color and immigrants tend to have more punitive policies and a higher rate of sanctions. In fact, according to Schram a punitive policy was twice as likely to be adopted if there were a higher percentage of people of color living in the state.

Many scholars, most notably Sidel, have contended that as the number of those on welfare increased, stereotypes of Black women as “welfare queens” informed policy and created a backlash. For Sidel, this made it easy to systematize stereotypes and reinforce stigmatization.

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189 Burnham, supra note 158 at 123.
191 Eitzen and Zinn, supra note 72.
193 Ibid; See also, Gordon, supra note 192; Burnham, supra note 158.
194 Ibid; See also, Gordon, supra note 192; Burnham, supra note 158.
of welfare mothers in order to dehumanize them and marginalize their voices so that it was okay to institute harsh changes in welfare legislation.¹⁹⁶

Within this context, the controversial issue of welfare encouraged a shift in all policy decisions aimed at the poor from social to individual responsibility. Further, the rhetoric of individual responsibility and images of welfare recipients have informed social policy for the poor; where the “welfare queen” has become shorthand for deviance and dysfunction and most consistently represented as single, Black and female.¹⁹⁷ In addition, scholars such as Martin Gilens, suggest that welfare reform policy has been shaped more by reactions to racial mythologies surrounding welfare use and poverty than actual research.¹⁹⁸ Accordingly, Hancock adds that underlying policy implementations based on racial mythologies reveal just how important it is to read scholarship on welfare reform in Wisconsin through the lens of a race, class and gender analysis.¹⁹⁹

According to Brush, Black women are treated inequitably in the labor market as well as under the new guidelines of welfare reform.²⁰⁰ Many scholars, such as Tara Yosso and Daniel Solórzano are taking note of the fact that an issue ranging from economic capital to how long a person is expected to live expose the advantages of being born white and male.²⁰¹ This of

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¹⁹⁶ Sidel, supra note 59.
¹⁹⁷ Ibid.; Hancock, supra note 159.
¹⁹⁸ Gilens, supra note 156; See also, Schram, supra note 185; William M. Epstein, Welfare in America: How Social Science basin the Poor (Madison, WI: University of Wisconsin Press, 1997); Karen Seccombe, ‘So You Think I Drive a Cadillac?’ Welfare Recipients: Perspectives on the System and Its Reform, Custom ed. (Boston: Allyn and Bacon, 1998).
¹⁹⁹ Hancock, supra note 159.
course, according to Linda Burnham is maintained through the protection of “white skin” privilege. Legal scholar, Sylvia Law speaks of “white skin privilege” as the “pervasive structural, and general invisible assumptions that white people define the norm and Black people the other, dangerous and inferior”. Legal scholar, Ian Haney Lopez adds that, “white skin privilege” is a social construction which creates a racial bureaucracy where whites exist at the top and Black people are at the bottom. Finally, scholar George Lipsitz defines “whiteness” as manifested through “white skin privilege” as the creation of a superiority complex based on institutions “created by slavery,…segregation…and by conquest and colonization.” “White skin privilege” therefore is manifested through the unequal distribution of social welfare assistance, employment, education and state surveillance and violence (i.e. racial profiling, police brutality) along racial lines that benefit those labeled as “white”. In an effort to protect white power, Neubeck and Cazenave argue that welfare reform became part of a broader racist agenda. According to scholars such as Abramovitz, media images continue to condemn Black mothers as the lazy “welfare queen,” when they stay home with their children, while simultaneously praising the displaced white home-maker as good “soccer moms,” for staying home with their children. Parental guidance for Black children is also critical. Such double standards do not take into consideration or award Black mothers adequately for their dual roles

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202 Burnham, supra note 158.
206 Neubeck and Cazenave, supra note 184.
as caregivers as well as economic providers. Mandall further argues that the right to care for one’s own children in the home should not be reserved for two parent wealthy families. Poor single welfare mothers should have the same right to care for their young children in the home. But legal scholar Dorothy Roberts argues that society’s reluctance to support economically secure welfare policies is a result of their insistence that Black mothers reproduce a culture where children are not trained to be productive citizens. Abramovitz continues that forcing poor women to work makes it harder for them to supervise their children especially in urban neighborhoods that have poor schools, drugs, high crime rates, violence and low employment. Moreover as Burton suggests when families are forced to live under such conditions, the chances that they will move into a higher economic status are usually slim.

In addition, Delgado and Gordon point out that when women of color are compelled to enter into an unfriendly and uninviting labor market (where they have to compete for low-wage jobs with other “working poor”) they are also forced to deal with racism and sexism not only from the street level bureaucrats, but also their bosses, co-workers and even the clients they are presumed to serve. Albelda and Tilly, in fact note that Black welfare recipients do not even start out on a level playing field. The work force is influenced by race, class and gender stereotypes which prevent women, particularly women of color, from gaining equal access and

\footnotesize{
208 Abramovitz, supra note 15; Roberts, supra note 195.
209 Mandall, supra note 92.
210 Roberts, supra note 208.
211 Abramovitz, supra note 119.
212 Burton, supra note 12.
}
opportunity. Moreover, many employers are reluctant to hire from the Black welfare population. This, according to welfare scholars Burnham and Gustafson, in turn creates obstacles to a successful exit out of poverty because of “exploitative and unstable conditions in the labor force, declining incomes, food insecurity, homelessness, inadequate child care, insufficient job training, lack of support for higher education and inadequate health care.” As policy scholar Ellwood notes, the new welfare reform legislation’s main goal was to remove poor single mothers from the welfare program and into cheap labor cycles in order to cut federal spending in this area. Further, Albelda and Tilly point out that employers perpetuate the “sticky floor” syndrome as they exercise their discretionary and discriminatory practices in hiring and promoting women of color. Poor women, particularly women of color and immigrants are stuck in employment patterns which have little or no room for advancement, participate in a segregated labor force and receive very little pay. This ultimately will result in a tremendous number of children living below the poverty line. Further, according to economist Nicholas Barr, the competitive market economy has failed in its self-correcting mechanism and therefore it is the social responsibility of the government to provide assistance to correct inefficiencies which exist in the market.

In addition, Bowie points out that there are certain other barriers which Black women face when confronted with making the transition from work to welfare. By example, such

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214 Albelda and Tilly, supra note 26.
215 Krajcer and Delgado, supra note 213.
216 Ellwood, supra note 113.
217 Albelda and Tilly, supra note 26, at 45.
219 Burton, supra note 12.
220 Bowie, et al., supra note 72.
recipients can be demonized for not conforming to unwritten rules that identify the “normal worker” along the lines of transportation, support networks and work history. Welfare scholar Michael Brown further suggests that instead of considering these barriers and obstacles, the image of the Black mother has evolved into one of a resistance to work. He continues that these false images of Black mothers simply reinforce racist views and use Black women as scapegoats to rally support for welfare reform. \(^{221}\) Moreover, according to scholar Annelise Orleck, when poor mothers conform to the “rules of the game”, they are gainfully employed, enrolled in school, or try to develop services for their community, they are still met with staunch resistance to these activities. \(^{222}\) Therefore, policy implementation must also engage how gendered divisions of labor within capitalism are further stratified along racial lines in helping to keep Black women poor. \(^{223}\)

With all these insights in mind, there is a growing body of literature on the racialization and gendering of poverty within the national debate yet there have been few examinations of welfare reform in Wisconsin that analyze the impact of racialization on poor Black mothers. Accordingly, as scholars Yosso and Solórzano point out racism, sexism and elitist ideology have had a profound effect on political, economic and social institutions. \(^{224}\) In the end, race, gender and class must be considered both on the individual and institutional level when examining policy success, failure and future possibility. Most research has either focused on a state’s reduction of expenditures \(^{225}\) centered the debate on issues facing all single mothers. \(^{226}\) rural

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\(^{222}\) Annelise Orleck, Storming Caesar’s Palace: How Black Mothers Fought Their Own War on Poverty (Boston: Beacon Press, 2005).

\(^{223}\) Brush, supra note 72.

\(^{224}\) Yosso and Solórzano, supra note 201.

\(^{225}\) Savner, supra note 69.
single mothers, or used small samples of women from the Black community. One study has
gone as far to use survey data to offer comparative analysis of Black, Hispanic and White
women’s experiences. But it is important to note how punitive policies adopted and
implemented by States have a more negative effect on women of color. Since Wisconsin has
been considered the model state for welfare reform it is ripe for research in order to explore how
Black mothers have managed under the W-2 program almost a decade later.

CONCLUSION

As we continue to think about new blueprints for an equitable, or at least viable social welfare
framework, we must be very clear about the terms and conditions under which we have arrived
to this current place in history. Scholarly debates about the relationship between the “behavioral
defects” (if any) of poor mothers and poverty, the race, class and gender assumptions about
recipients that frame reform initiatives, and the terms under which Wisconsin presents itself as
the model welfare reform state, all shape our current understandings of “good” and “bad” social
welfare. “Ending welfare as we know it,” is not a neutral or logical conclusion to the problems of
“big government,” “national deficit,” or a “culture of poverty.” The social policy outlook of
“work first” remains a site of struggle and the equation between market efficiency and rational

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230 Schram, *supra* note 185.
neutrality is a key weapon in the battle to silence conversations about the relationship between legal power, public policy, and the inequitable access to citizenship. Successful discourses of neutrality place welfare reform beyond the possibility of critique, nowhere near other forms of aid including subsidies for the rich, and outside the spectrum of acceptable (and similar) social identities like the “soccer mom.” The moral economies that so heavily shroud the terms of even possible debate obscure more than they reveal, while placating mediocre analysis, assuaging a policy approach of fear and misinformation, and most importantly coddle our nation into confusing cynicism and capital gain with courage. Courage would allow us to confront just precisely how, a gendered and racially unequal capitalist social economy is responsible for creating a caste of impoverished and destitute people and poor urban communities and “slums”. Therefore, a government that plays such an integral role in unevenly distributing resources (both legal and economic) to welfare queens and fat cats alike must be held accountable because after all who better to bear the responsibility of providing the basic necessities of life?231 In the next chapter I will continue this discussion by examining many of the major United States Supreme Court (Supreme Court) rulings that have directly addressed welfare policy.

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231 Sidel argues that without welfare many single mothers would have no place to go and no support for their children. Sidel, supra note 59.
CHAPTER 2
THE UNITED STATES SUPREME COURT AND THE POLITICS OF BLACK MOTHERHOOD

As long as black women are not legitimately considered mothers, as long as the work of mothering is devalued, as long as independent women raising children apart from men threatens the patriarchal norm, as long as black women are characterized by racial/class/sexual stereotype that not only stigmatizes welfare, but places them at the bottom of the social and economic hierarchy then the forces that make the welfare system politically unpopular will remain.

(Premilla Nadasen, 2005: 239)

Welfare reform punishes the poor for being poor. Our responsibility is to end poverty, as we know it not welfare.

(Clara Kim, 2001: 276)

INTRODUCTION

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) which transferred the social responsibility of helping poor families from the federal government to the states through block grants called Temporary Aid to Needy Families (TANF). Beyond a transfer of power, this historic and unprecedented law discontinued the guaranteed right of poor families to receive federal financial assistance. As a result of this law, Wisconsin replaced its Aid to Families with Dependent Children (AFDC) program in September 1997 with Wisconsin Works (W-2) Examining the scholarly literature and legal debates on national welfare reform and Wisconsin’s model W-2 program in particular, provides a lens through which to understand larger shifts in public policy trends and their effects on recipients living with public assistance in a new era. This larger policy shift is powerfully

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232 See also, generally, Schneider, supra note 124.
informed or is at least given legitimate meaning by the United States Supreme Court’s (Supreme Court) transformation in conceptual approach from equal protection to fiscal conservatism that parallels the eventual rise of welfare reform. On the surface, this self-described “race neutral” initiative on both national and state levels, pays little attention and even evades the centrality of the “welfare queen” image within policy construction and implementation. Conversely, studies of race, class and gender analysis point to the central role of Black women to both the structural and cultural production of “welfare racism” within the process of reform. Yet, this work has rarely been applied to the model test case of the W-2 program. Bringing these two bodies of literature together makes clear the need to understand the centrality of working class Black mothers (both as an iconographic stereotype and recipient) in order to build a more humane constructive and comprehensive program of welfare reform. This literature is situated in the context of not only the federal government’s devolution of control but also the devolution of compassion by the United States Supreme Court. The framework in this review provides a more comprehensive understanding of the relationship between social identity, political possibility and the limitations of legal discourse. This review picks up where the previous chapter left and offers a brief examination of the role of the United States Supreme Court in setting the legal parameters for welfare policy.

**The Role of the United States Supreme Court in Welfare Law and Policy**

Legal decisions are a key way to better understand the larger discussions and debates within welfare policy and the implications of such policy on the lives of many working-class Black women. While the United States Supreme Court (Supreme Court) has not decided a significant number of cases with direct bearing on welfare policy, many important and historic legal cases structuring current welfare policy and reform were resolved from the 1960s to the
These legal decisions raised major questions about the parameters and constraints of welfare entitlement. Discussions of the intent and impact of welfare policy generally focus on the congressional floor, media representations, or the caseworker-client relationship, leaving the courts (and the Supreme Court in particular) inadequately examined as a key institutional space for understanding the current state of social policy and implementation. In the end, Congress is where policy is written and the social service office and home visits are where policy is implemented. The courts, however, ultimately legitimate policy and make it enforceable authority as law.

A legal analysis is most important when considering the racialized contours of welfare policymaking and, more specifically, the ways Black working-poor women have navigated welfare policy implementation over the last century. At the very moment that Aid to Families with Dependent Children (AFDC) opened social funds to Black women and families in the 1960s, welfare and poverty in general came under a severe and wide ranging political attack. When social welfare was previously reserved almost exclusively for white women, poverty was understood to be a cause of temporary societal inequity. With increasing welfare rolls and the changing racial composition of recipients, Congress began to listen, embrace, and respond to arguments that poverty was a product of culture, behavior, and sometimes even biologically determined racial traits; consequently, Congress started to limit benefits for those deemed

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234 Ibid.
235 See, Hancock, supra note 64.
undeserving.\textsuperscript{238} As Black women entered the welfare rolls, these racialized presumptions about behavior and poverty structured the very contours of welfare law and influenced the dynamics of the caseworker-client relationship.\textsuperscript{239} Here, welfare legislation and policy implementation were less attempts to protect citizens by subsidizing an economic downturn than the manifestation of an effort to limit citizens’ (Black women in particular) access to state power and benefits. A focus on the social implications of welfare law is, therefore, not just meant to balance out the scholarly inclination to examine better treaded welfare policy terrain. Black working-class recipients saw the courts, juxtaposed with the overwhelmingly antagonistic spaces of the local welfare offices and the floor of Congress, as their most viable sites of struggle and social possibility for a more humane social welfare worldview.\textsuperscript{240}

This article will examine the major Supreme Court rulings since the late 1960s that have directly addressed AFDC, commonly known as welfare. The Supreme Court decided cases, such as \textit{King v. Smith},\textsuperscript{241} \textit{Shapiro v. Thompson},\textsuperscript{242} and \textit{Goldberg v. Kelly},\textsuperscript{243} in favor of welfare recipients.\textsuperscript{244} The outcomes of these cases suggest that while the Supreme Court viewed welfare policy as a negotiation between federal and state governments, it reserved a special role for the judicial branch in protecting equal rights.\textsuperscript{245} The judicial understanding of the relationship between federal and state government power within welfare policy ranged from “cooperative

\textsuperscript{238} See, Hancock, supra note 64.
\textsuperscript{239} See, e.g., Moynihan, supra note 34.
\textsuperscript{244} It is important to note that while not all of the plaintiffs (welfare recipients) presented in this article are African-American mothers, welfare has always had a “black” face. At the center of America’s attitude about welfare policy is race and racism and therefore African-American mothers were routinely held out as iconographic images of who was on welfare. Moreover, since African-American mothers were disproportionately poor, any laws regulating entitlement to welfare assistance would also have a disparate impact on them. For causal certainty it should also be noted that many of the major figures in these cases were black women. See, for example, \textit{King v. Smith}, 392 U.S. 309 (1968); Shapiro \textit{v. Thompson}, 394 U.S. 618 (1969); and Goldberg \textit{v. Kelly}, 397 U.S. 254 (1970).
\textsuperscript{245} See, e.g., Shapiro, 394 U.S. at 645 (Warren, J., dissenting); \textit{King}, 392 U.S. at 316.
federalism,” (expanding powers of the national government in areas traditionally left to the states) to fiscal conservatism (privileging state power and proffering a hands-off approach). These conceptual rubrics do not follow a linear narrative or offer a story of change over time, but they are actually competing approaches that can be accessed or deployed by the Supreme Court within the same moment.

While the historical arch from the Civil Rights Era to the present normally presents a story of expanded liberties and freedoms to the socially disenfranchised, the lens of the Supreme Court welfare decisions narrates the devolution of racial liberalism, the intensification and expansion of poverty, and the rise of social conservatism so familiar by the mid-1980s. Here, Black women became both the symbolic scapegoat and the site of social policy surveillance. This symbolic/social policy convergence was most acute at the site of national attacks on a bloated and excessive “welfare queen” as the morality tale warning against the dangers of “big government,” in general, and any redistribution of national resources to the poor, in particular. Part I will examine Supreme Court case law on welfare policy through the lens of the Due Process and Equal Protection Clauses of the Fourteenth Amendment. Part II will survey the Supreme Court case law on welfare policy through the lens of federalism. Finally, Part III will review much of the same case law contrasted through the lens of fiscal conservatism. Through these lenses, it becomes clear that the seemingly value-neutral Supreme Court was not

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at all immune from the changing political landscape of the nation over the last forty years of the twentieth century.

**Due Process, Equal Protection and Fundamental Fairness**

**Substantive constitutional rights:**

*Equal protection and the fundamental right to travel*

During the Warren Court (1953-1969) and well into the Burger Court (1969-1986), the concept of equal protection under the law accelerated rapidly as a new “interventionist” instrument. The Supreme Court under Chief Justice Earl Warren still employed a modest approach toward review of legislative policies, but the Supreme Court granted certain cases more active scrutiny. Particularly during Warren’s tenure, more issues were reviewed using a strict scrutiny approach. Strict scrutiny is the highest level of review used by the Supreme Court to review any government laws and policies that restrict or limit a constitutional right. When a

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249 *Ibid.* During Justice Warren’s tenure, a two-tier system of review was employed in cases involving Equal Protection claims. In most circumstances, equal protection claims would fail because the Supreme Court would find that the statute in question was constitutional and the legislative body had a reasonable purpose for the particular discriminatory practice in place. However when the statute in question employed a discriminatory practice based on race, alienage or lineage (suspect classifications) or encroached a fundamental right or interest, the governing body would have to show more than a reasonable purpose. On such occasions the Supreme Court would apply a higher level of scrutiny in determining the constitutionality of a law. For a survey of the Equal Protection doctrine see, “Developments in the Law—Equal Protection,” *Harvard Law Review* 82, no. 5 (1969): 1076; Lawrence Schlam, “Equality in Culture and Law: An Introduction to the Origins and Evolution of the Equal Protection Principle,” *Northern Illinois University Law Review* 24, no. 3 (2004): 425; Joseph Tussman and Jacobus tenBroek, “The Equal Protection of the Laws,” *California Law Review* 37, no. 3 (1949): 341.


252 *See, United States v. Carolene Products Co.*, 304 U.S. 144 (1938) (where the Supreme Court in footnote 4 for the first time hinted at a heightened level of scrutiny when “… prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.”)
government attempts to impose legislation which infringes on a fundamental right or interest or enacts legislation that targets groups identified as a suspect class (groups legally identified by race, nationality, or alienage) the Supreme Court approves of such legislation only if the government can show that the particular law is essential, narrowly tailored, and the least restrictive means to accomplish its goal.

The Equal Protection Clause of the Fourteenth Amendment guarantees an independent constitutional right that similarly situated citizens be treated similarly under the law. Within welfare law, states may not have directly attempted to violate the Equal Protection Clause, but nevertheless created separate rules for its recipients based on gender, socioeconomic status, etc.
and status of non-marital children.\textsuperscript{259} Many states also created durational residency restrictions to control the skyrocketing state welfare rolls and the belief that people migrated across state lines in pursuit of the most generous monthly welfare payment.\textsuperscript{260} Under most state regulations, in order to be eligible for aid, a person had to be a resident of the county/state for at least a year.\textsuperscript{261} In effect, states could deny otherwise eligible persons aid simply because they had failed to live in the geographical area for the minimum statutory period of time.\textsuperscript{262} When the state took such action, the Supreme Court reviewed the law to determine if the groups of people identified by the law were a protected class, or if the law violated a fundamental interest or right guaranteed by the Constitution.\textsuperscript{263}

By way of example, in the case of \textit{Shapiro}, the Supreme Court was asked to determine the constitutionality of conditioning receipt of welfare aid on residency restrictions.\textsuperscript{264} Single Black mothers challenged the residency requirements of Connecticut, the District of Columbia, and Pennsylvania.\textsuperscript{265} Pursuant to their welfare policy, respective states denied single mothers benefits under AFDC if they resided in the state for less than one year.\textsuperscript{266} Congress had protection to deny free trial transcripts to indigent criminal defendants.) For a discussion suggesting that claims made based on discrimination against the poor should receive strict scrutiny, see, Stephen Loffredo, “Poverty, Democracy and Constitutional Law,” \textit{University of Pennsylvania Law Review} 141, no. 4 (April 1993): 1277.\textsuperscript{259} Similar to gender classification, the Supreme Court has been reticent to apply the strict scrutiny to cases involving discriminatory treatment on the basis of illegitimacy. However the Supreme Court has admonished states not to favor “legitimate” children over “illegitimate” children. See, \textit{N.J. Welfare Rights Org. v. Cahill}, 411 U.S. 619 (1973); \textit{Gomez v. Perez}, 409 U.S. 535 (1973); \textit{Weber v. Aetna Casualty and Surety Co.}, 406 U.S. 164 (1972); \textit{Levy v. Louisiana}, 391 U.S. 68 (1968).\textsuperscript{260} For an example of residence requirements and voting restrictions, see, \textit{Dunn v. Blumstein}, 405 U.S. 330 (1972) (where the Supreme Court struck down a Tennessee statute which required a one year residence in the state as a condition for voting).\textsuperscript{261} \textit{Ibid.} \textsuperscript{262} Neubeck and Cazenave, \textit{supra} note 184.\textsuperscript{263} \textit{Shapiro v. Thompson}, 394 U.S. 618, 627 (1969).\textsuperscript{264} \textit{Ibid.} \textsuperscript{265} \textit{Ibid.;} See also, Ernest N. Blasingame Jr., “Public Welfare and Public Housing: Due Process and Equal Protection Standards,” \textit{Tennessee Law Review} 38, no. 3 (1971): 345-368.\textsuperscript{266} \textit{Shapiro}, 394 U.S. at 623-27; See also, Davis, \textit{supra} note 9, at 77.
authorized this residency restriction and, therefore, the states’ welfare policies were in compliance with federal law.

The Supreme Court granted a victory to the welfare rights movement when it struck down the residency requirement statute as an unconstitutional violation of the Equal Protection Clause and the fundamental right to travel. The Supreme Court found that conditioning welfare benefits on residency requirements “create[d] a classification which constitute[d] an invidious discrimination denying . . . [welfare recipients] equal protection of the laws” and impinged upon their fundamental right to travel. While Supreme Court decisions on the right to travel have varied, the core underpinnings of travel as a fundamental right can be found within the meaning of the Equal Protection Clause. Legal scholar A.P. van der Mei notes that “the personal right to move freely from state to state is a product of this political Union and it occupies within the constitutional system ‘a more protected’ status.

While the Supreme Court in Shapiro recognized the state’s interest in preserving the integrity of its programs—saving money and keeping its welfare rolls down—the Supreme Court ruled that residency requirements were unconstitutional because it failed to meet the “stricter

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268 42 U.S.C 602(b) (1959); Shapiro, 394 U.S. at 639. According to A.P. van der Mei, the states in the case argued that the real issue in Shapiro was whether Congress had the authority to authorize states to impose residency requirements. See, A.P. van der Mei, “Freedom of Movement for Indigents: A Comparative Analysis of American Constitutional Law and European Community Law,” Arizona Journal of International and Comparative Law 19, no. 3 (2002): 803, 818.
269 Shapiro, 394 U.S. at 638.
270 Ibid. at 627.
271 Ibid. at 638.
273 A.P. van der Mei, supra note 268, at 811 (quoting Edwards v. California, 314 U.S. 160, 177 (1941)).
standard of whether it promotes a compelling state interest," and served "‘no other purpose . . . than to chill the assertion of constitutional rights by penalizing those who chose to exercise them . . . ’" In applying the more heightened level of review, the Supreme Court took into account the socio-economic context where the modernization of agricultural labor pushed many unskilled farm laborers to urban and northern communities in search of employment. When jobs were unavailable, the only means of subsistence was the local welfare program. The Supreme Court found that the one-year waiting period created two categories of eligible recipients who were distinguished by the number of months they had resided in the respective states and ruled, “any classification which serves to penalize the exercise of that right [to travel], unless shown to be necessary to promote a compelling state interest is unconstitutional.”

Scholars Kenneth Neubeck and Noel Cazenave argue that if the Supreme Court had sustained state residency requirements, many citizens would have had no means of livelihood. Therefore, in

274 Shapiro, 394 U.S. at 638.
275 Ibid. at 631 (quoting United States v. Jackson, 390 U.S. 570, 581 (1968)).
277 A state may no more try to fence out those indigents who seek higher welfare benefits than it may try to fence out indigents generally. Implicit in any such distinction is the notion that indigents who enter a state with the hope of securing higher welfare benefits are somehow less deserving than indigents who do not take this consideration into account. But we do not perceive why a mother who is seeking to make a new life for herself and her children should be regarded as less deserving because she considers, among others, the level of a state's public assistance. Surely such a mother is no less deserving than a mother who moves into a particular state in order to take advantage of its better educational opportunities. Shapiro, 394 U.S. at 631-32.
278 The Court stated, There is no dispute that the effect of the waiting-period requirement in each case is to create two classes of needy resident families indistinguishable from each other except that one is composed of residents who have resided a year or more, and the second of residents who have resided less than a year, in the jurisdiction. On the basis of this sole difference the first class is granted and the second class is denied welfare aid upon which may depend the ability of the families to obtain the very means to subsist - food, shelter, and other necessities of life. Ibid. at 627.
279 Shapiro, 394 U.S. at 634.
280 Neubeck and Cazenave, supra note 184 at 61; See also, Shapiro, 394 U.S. at 627 (“The effect of [residency restriction] is to create two classes of needy resident families indistinguishable from each other except that one is composed of residents who have resided a year or more, and the second of residents who have resided less than a year, in the jurisdiction. On the basis of this sole difference the first class is granted and the second class is denied
Shapiro, the Supreme Court was unwilling to apply a lower level of scrutiny and refused to accept the states’ contention that (1) the states’ objectives justified imposing a residency restriction and (2) that any rational relationship existed between these identified states’ objectives and implementation of the waiting periods. 281

Most states that employed residency requirements and similar strategies did so under the guise of preserving their welfare resources for residents of the state. 282 The state of Connecticut argued in Shapiro that the statutory residency requirement was necessary “to protect its fisc[al budget] by discouraging entry to those who come needing relief.”283 In response to the state’s arguments, the Supreme Court opined,

We recognize that a State has a valid interest in preserving the fiscal integrity of its programs. It may legitimately attempt to limit its expenditures, whether for public assistance, public education, or any other program. But a State may not accomplish such a purpose by invidious distinctions between classes of its citizens. 284

The Supreme Court also held that it was unconstitutional to discriminate against eligible poor citizens who migrated to a state seeking welfare benefits and additionally hinted at an affirmative duty for states to redress economic inequalities. 285 While Shapiro did not declare that welfare entitlement was a constitutional right or “fundamental interest” under Supreme Court case law, access to welfare benefits eventually did become a legal entitlement via Goldberg v. Kelly, 286 which for a short time guaranteed some constitutional protection for welfare recipients. 287

welfare aid upon which may depend the ability of the families to obtain the very means to subsist—food, shelter, and other necessities of life. . .”).
281 Shapiro, 394 U.S. at 634.
282 Ibid. at 623.
283 Ibid.
284 Ibid. at 633.
The Equal Protection Clause has also been used in the welfare law arena to invalidate a state’s acts of discrimination based on gender.\textsuperscript{288} In state-based welfare legislation, gender-based discrimination occurred because the mother usually served as the sole economic provider (in contrast to the traditional male breadwinner model).\textsuperscript{289} Such a model went beyond the world of welfare to reinforce various gendered divisions of labor where, for example, men were given a higher wage (termed the family wage) with the presumption that “he” was supporting a family or where men were seen as more aggressive and hard working employees.\textsuperscript{290} This model never took into account the additional “homework” for women that affect the differential in male and female productivity in the workplace.

Yet such gendered assumptions pervaded the distribution and management of welfare benefits as well. In \textit{Califano v. Westcott}, the Supreme Court decided to eliminate gender-based discrimination in an effort to equalize state protections between unemployed mothers and fathers.\textsuperscript{291} Aid to Families with Dependent Children – Unemployed Father (AFDC – UF) was a federally sponsored program that provided welfare to families with an unemployed father, but denied benefits for an unemployed mother.\textsuperscript{292} After recent unemployment, two families in which women served as the primary breadwinner applied for and were denied AFDC-UF benefits because the husbands did not qualify as “unemployed” fathers under the Act.\textsuperscript{293} Both of the applicants in \textit{Califano} would have qualified for benefits if they were males.\textsuperscript{294} In this case, the

\begin{thebibliography}{9}
\bibitem{290} \textit{Ibid.}
\bibitem{292} 42 U.S.C. 607 (1935).
\bibitem{293} \textit{Califano}, 443 U.S. at 80-81.
\bibitem{294} \textit{Ibid.}
\end{thebibliography}
Supreme Court denounced this discriminatory statute as a violation of the equal protection principles embedded in the Due Process Clause of the Fifth Amendment.\textsuperscript{295} The Commonwealth of Massachusetts argued that the gender distinctions were important to deter fraud by two-parent families.\textsuperscript{296} The key language in this case turned on the Supreme Court’s belief that the Massachusetts’s statute was founded on archaic principles, which supported “sexual stereotypes”\textsuperscript{297} and “presume[d] the father has the primary responsibility to provide [for] a home and its essentials.”\textsuperscript{298} The Supreme Court concluded, “Legislation that rest[s] on such presumptions without more cannot survive [intermediate] scrutiny under the Due Process Clause of the Fifth Amendment.”\textsuperscript{299} The objectives advanced by Massachusetts for gender-based distinctions were rejected by the Supreme Court because they were not substantially related to any significant government objective.\textsuperscript{300} Therefore, the Supreme Court ruled that benefits under the AFDC-UF program must be available to unemployed fathers as well as unemployed mothers.\textsuperscript{301}

The Due Process Clauses of both the Fifth and Fourteenth Amendments are equally important to a case analysis of welfare law and policy and intrinsically connected to the Equal Protection Clause. The Due Process Clause not only provides protection for substantive rights, but also mandates procedural safeguards before the government can restrict a citizen’s liberty, life, or

\begin{footnotesize}
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\item \textsuperscript{295} Ibid. at 83-89.
\item \textsuperscript{296} Ibid. at 83.
\item \textsuperscript{297} Ibid. at 81.
\item \textsuperscript{298} Ibid. at 89.
\item \textsuperscript{299} Ibid. When the Supreme Court reviews cases using an intermediate level of scrutiny, the government must show that the challenged classification, here gender, serves an important state interest and that the classification is substantially related to serving that interest. See, e.g., Craig v. Boren, 429 U.S. 190 (1976).
\item \textsuperscript{300} Califano, 443 U.S. at 88; see also, Amy S. Cleghorn, “Justice Harry A. Blackmun: A Retrospective Consideration of the Justice’s Role in the Emancipation of Women,” Seton Hall Law Review 25, no. 3 (1995): 1176, 1196.
\item \textsuperscript{301} Califano, 443 U.S. at 89.
\end{itemize}
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property.\footnote{302} Once a substantive right has been identified by the Supreme Court, procedural due process dictates that appropriate precautions must be provided before the government may act in this constitutionally protected area.\footnote{303}

**Procedural due process.**

In the area of welfare law and policy, the Social Security Act of 1935 (SSA) set up national standards for eligibility.\footnote{304} However, states could administer these standards in the ways they deemed appropriate.\footnote{305} The ambiguity that existed here partially stems from the lack of clarity in the original SSA stance on establishing welfare as a substantive right (which the poor could demand in times of need) and thus entitled to due process protection or whether welfare is defined as a privilege (which could be denied or restricted at the whim of the federal/state governments). Ideally, if welfare benefits were a substantive right, procedural due process required, at a bare minimum that the recipient received a “fair hearing” before she could be removed from the program.\footnote{306} However, the reality was that under most circumstances, procedural due process was not initiated when a welfare mother’s continued eligibility was subjectively and summarily evaluated.\footnote{307} In fact, when it came to denying benefits to welfare mothers, most procedures put in

\textsuperscript{303} The Supreme Court in \textit{Mathews v. Eldridge} identified three distinct factors which must be considered in order to determine whether “administrative procedures . . . are constitutionally sufficient.” \textit{Mathews v. Eldridge}, 424 U.S. 319, 334 (1976). First, private interests that are affected by the government action are considered. Second, the court weighs the likelihood of an erroneous deprivation against the likelihood that the additional safeguard will be needed. And last, there is consideration for any government’s interest in curtailing fiscal and administrative burdens that additional procedural safeguards might impose. \textit{Mathews v. Eldridge}, 424 U.S. 319, 335 (1976)
\textsuperscript{304} 42 U.S.C.S § 607 (1935).
\textsuperscript{305} Califano, 443 U.S. at 79; See also, \textit{King v. Smith}, 392 U.S. 309, 316-317 (1968).
\textsuperscript{307} The Fifth and Fourteenth Amendments of the United States Constitution guarantee each citizen the rights to Due Process of law. This legal concept has been used to restrict or limit the federal and state governments from enacting laws or conducting legal proceedings which deprive citizens of fundamental fairness, justice, and liberty. At a bare minimum, a person must be given notice of proceedings and the opportunity to be heard. See, generally, Chase, \textit{supra} note 72, at 571; Stephen N. Subrin and A. Richard Dykstra, “Notice and the Right to be Heard: The Significance of Old Friends,” \textit{Harvard Civil Rights-Civil Liberties Law Review} 9, no. 3 (1974): 449.}
place could hardly have been said to reach the level of due process required by the Fourteenth Amendment. However, the 1970 Supreme Court decision *Goldberg v. Kelly* changed this.\(^{308}\)

In *Goldberg*, welfare mothers in New York challenged the procedures used to terminate welfare benefits.\(^{309}\) Under New York policy, a caseworker’s mere doubts as to a welfare recipient’s eligibility were sufficient to suspend or terminate the benefits, affording the recipient no safeguard against arbitrary and unjustified denial of benefits.\(^{310}\) Upon request, a recipient could review the caseworker’s official justifications in support of termination of welfare benefits and ask for a hearing to contest the allegations, but only after benefits had been discontinued.\(^{311}\) The Supreme Court addressed whether the Due Process Clause of the Fourteenth Amendment required that welfare mothers receive an evidentiary hearing before benefits were terminated, providing for the continuation of benefits pending resolution of eligibility concerns.\(^{312}\) In order to answer this question, the Supreme Court needed to determine whether welfare was “more like ‘property’ [or more like] a ‘gratuity’.”\(^{313}\) If welfare was considered property, the Constitution required that the government provide due process of law before the property could be taken.\(^{314}\)


\(^{309}\) *Goldberg*, 397 U.S. at 256-57.

\(^{310}\) Ibid.


\(^{312}\) *Goldberg*, 397 U.S. at 261.

\(^{313}\) The Court stated in its opinion that “[s]uch benefits are a matter of statutory entitlement for persons qualified to receive them. Their termination involves state action that adjudicates important rights.” *Goldberg*, 397 U.S. at 262. This proposition established the basis for the Court’s reference to welfare benefits as property in footnote eight of the decision: “It may be realistic today to regard welfare entitlements as more like ‘property’ than a ‘gratuity.’ Much of the existing wealth in this country takes the form of rights that do not fall within traditional common-law concepts of property.” *Goldberg*, 397 U.S. 262 n.8.

Prior to the decision in *Goldberg*, welfare benefits had been considered a privilege.\(^{315}\) The Supreme Court declared earlier in *Board of Regents v. Roth*,

> [T]he requirements of procedural Due Process apply only to the deprivation of interests encompassed by the Fourteenth Amendment’s protection of liberty and property. When protected interests are implicated, the right to some kind of prior hearing is paramount. But the range of interests protected by procedural Due Process is not infinite.\(^{316}\)

Therefore, procedural protections were only required when an analysis of “whether the nature of the interest is one within the contemplation of the ‘liberty or property’ language of the Fourteenth Amendment” had been shown to be violated.\(^{317}\) In an astonishing blow to conservative welfare reformists, the Burger Court ruled: \(^{318}\)

> The constitutional challenge cannot be answered by an argument that public assistance benefits are a ‘privilege’ and not a ‘right.’ . . . The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be ‘condemned to suffer grievous loss, . . . and depends upon whether the recipient’s interest in avoiding that loss outweighs the governmental interest in summary adjudication. For qualified recipients, welfare provides the means to obtain essential food, clothing, housing, and medical care. . . . Thus the crucial factor in this context . . . is that termination of aid pending resolution of a controversy over eligibility may deprive an eligible recipient of the very means by which to live while he waits. Since he lacks independent resources, his situation becomes immediately desperate.\(^{319}\)

> The Supreme Court declared that the entitlement to receive welfare was a property right and as such; meaningful procedural safeguards consistent with the Fourteenth Amendment must be

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\(^{316}\) *Bd. of Regents v. Roth*, 408 U.S. 564, 569-70 (1972).


\(^{318}\) It is important to note that Chief Justice Burger dissented from this ruling.

\(^{319}\) *Goldberg*, 397 U.S. at 262-64.
implemented prior to taking that property. While this decision was a resounding victory for welfare rights advocates and at least suggested that the liberal activism of the Warren Court might survive the transition to the Burger Court, it was not the final word. At this time, the racial composition of those benefiting from welfare was growing literally darker and social welfare became even more intimately tied to public metaphors of behavioral laziness and promiscuity, which coincided with a moment of national fiscal insecurity. In addition, as legal scholar Martha Davis noted, many of the dissenting justices in Goldberg also refused at that time to declare welfare a fundamental right. Moreover, the Supreme Court’s description of welfare as “more like ‘property’ than a ‘gratuity’” also provides evidence of the Supreme Court’s ambiguous stance on welfare as a property right. The vague language of “more like” left the door open to revisit the issue of welfare entitlement.

Equal protection and special class protection.

As early as the 1970s, legislation and the rights of the poor in particular, were vulnerable to the rising hegemony of the “moral majority” which argued that entitlement to basic rights should be predicated on behavioral prescriptions unrelated to actual need. The changing public sentiment translated into denial of access to welfare benefits cloaked in arguments about greater

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320 Ibid. at 262 n. 8; Handler, supra note 23, at 899. But see, Mathews v. Eldridge, 424 U.S. 319 (1976) (restricting the right to a pre-termination hearing in welfare benefits cases under Goldberg’s due process analysis).
323 Goldberg, 397 U.S. at 262 n. 8.
deference toward state’s rights. It was hardly surprising to see the welfare recipients challenge the family cap law in 1970. Equally not surprising the Supreme Court declined to hold in *Dandridge v. Williams* that welfare was a fundamental right and therefore welfare recipients were not a suspect class entitled to special constitutional protection.

In *Dandridge*, the state of Maryland provided welfare benefits for families based upon calculating their “standard of financial need.” If a family had a “standard of financial need” which was greater than $250.00 per month, the state imposed a limit on the total amount that family could receive from AFDC. The “family cap” rule was used to discourage mothers from continuing to have children supported by welfare. Plaintiffs Linda Williams and Junius Gary each had eight children and were financially destitute. If each member of their respective families were counted individually their “standard of financial need” would range from $296.00-$331.00 per month. However, under Maryland’s family cap rule both families were only eligible for $250.00 per month. In this case, the welfare recipients charged that the maximum grant regulation violated the Equal Protection Clause of the Fourteenth Amendment. In this ruling, the Supreme Court appeared to compromise on its previous inflexibility about welfare being an entitlement (via cooperative federalism) and ruled that the “family cap” law, although discriminatory, did not violate the Equal Protection Clause and was permissible social and

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326 Family cap legislation allows a state to set a maximum amount of cash assistance per family regardless of established need.
328 Ibid. at 472.
329 In the city of Baltimore, the maximum grant was $250.00, while outside of the city of Baltimore the maximum grant was $240.00. *Williams v. Dandridge*, 297 F. Supp. 450 (1968), rev’d, 397 U.S. 471 (1970).
330 *Dandridge*, 397 U.S. at 477.
331 In the city of Baltimore, the maximum grant was $250.00, while outside of the city of Baltimore the maximum grant was $240.00. *Williams v. Dandridge*, 297 F. Supp. 450 (1968), rev’d, 397 U.S. 471 (1970).
332 Ibid.
333 *Dandridge*, 397 U.S. at 473.
economic legislation. The Supreme Court reasoned: “[T]he Constitution does not empower this court to second-guess state officials charged with the difficult responsibility of allocating limited public welfare funds among the myriad of potential recipients.” The plaintiffs in *Dandridge* argued that the family cap legislation discriminated against a suspect class, and relying on the precedent of *Goldberg*, argued that caps to welfare benefits violated a fundamental constitutionally protected right. However, the Supreme Court did not recognize such claims and, therefore, declined to review Maryland’s maximum grant regulation under a strict scrutiny standard. The implication of lessening the standard of judicial review was to uphold any rationale articulated by the state that justified the imposition of family caps.

The above ruling demonstrates how the state’s welfare policy legislated a bias for smaller families, yet the Supreme Court nonetheless upheld the statute. While the Constitution does not require that each citizen be treated identically to satisfy the Equal Protection Clause, the level of judicial scrutiny will vary based on whether a right is considered fundamental or a social group is a suspect class (such as race). However, it is extremely difficult for a social group to be identified by the Supreme Court as a suspect class. Consider the Supreme Court’s decision in *Harris v. McRae*, where the Hyde Amendment was at issue. Under the Hyde Amendment,

335 *Ibid.* at 484-86.
339 A suspect class is a group identified by their history of unequal treatment due to immutable characteristics that result in position of political powerlessness. See, *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985) (“[W]hen a statute classifies by race, alienage, or national origin. These factors are so seldom relevant to the achievement of any legitimate state interest that laws grounded in such considerations are deemed to reflect prejudice and antipathy—a view that those in the burdened class are not as worthy or deserving as others. For these reasons and because such discrimination is unlikely to be soon rectified by legislative means, these laws are subjected to strict scrutiny and will be sustained only if they are suitably tailored to serve a compelling state interest.”)
state Medicaid programs could not use federal funds to pay for abortions for indigent women, unless the mother’s life was in danger or the pregnancy was the result of rape or incest.\textsuperscript{342} Cora McRae, whose situation did not fit into either of the exceptions authorizing Medicaid coverage, wanted to terminate her pregnancy. She was pregnant, in her first trimester, and receiving welfare and Medicaid from the state of New York.\textsuperscript{343} Ms. McRae argued that the Hyde Amendment denied her equal protection under the law because it refused to fund abortions to those who were eligible for Medicaid, while permitting Medicaid to cover the costs associated with childbirth.\textsuperscript{344} Since the Hyde Amendment only restricted access to abortions for women who relied on Medicaid, McRae wanted the court to recognize that poor mothers as a class represented a politically weak social group which had suffered prejudicial treatment due to the immutable characteristic of poverty, and this justified the designation of a suspect class with a

\textsuperscript{341} Hyde Amendment, Pub. L. No. 94-439, 209, 90 Stat. 1418 (1976); See also, Larry P. Boyd, “The Hyde Amendment: New Implications for Equal Protection Claims,” \textit{Baylor Law Review} 33, no. 2 (1981): 295. This amendment was named after Representative Henry J. Hyde.\textsuperscript{342} \textit{Harris}, 448 U.S. at 302; See also, Ken Agran, “When Government Must Pay: Compensating Rights and the Constitution,” \textit{Constitutional Commentary} 22, no. 1 (2005): 97-136 (applying the theory of compensating rights to the abortion funding decisions \textit{Maher v. Roe} and \textit{Harris v. McRae} requiring the government to compensate for the coercive pressure designed to persuade poor women to choose childbirth over abortion).\textsuperscript{343} \textit{Harris}, 448 U.S. at 303.\textsuperscript{344} She also argued that the Hyde Amendment

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violate[d] . . . (1) the right of a woman, implicit in the Due Process Clause of the Fifth Amendment, to decide whether to terminate a pregnancy, (2) the prohibition under the Establishment Clause of the First Amendment against any ‘law respecting an establishment of religion,’ and (3) the right to freedom of religion protected by the Free Exercise Clause of the First Amendment. \textit{Harris}, 448 U.S. at 311. The Supreme Court held that the

Due Process Clause affords protection against unwarranted government interference with freedom of choice in the context of certain personal decisions, it does not confer an entitlement to such funds as may be necessary to realize all the advantages of that freedom. To hold otherwise would mark a drastic change in our understanding of the Constitution. . . . To translate the limitation on governmental power implicit in the Due Process Clause into an affirmative funding obligation would require Congress to subsidize the medically necessary abortion of an indigent woman even if Congress had not enacted a Medicaid program to subsidize other medically necessary services. Nothing in the Due Process Clause supports such an extraordinary result. Whether freedom of choice that is constitutionally protected warrants federal subsidization is a question for Congress to answer, not a matter of constitutional entitlement. Accordingly, we conclude that the Hyde Amendment does not impinge on the due process liberty recognized in \textit{[Roe v.]} Wade. \textit{Harris}, 448 U.S. at 317-18.
higher standard of review.\textsuperscript{345} Under such a heightened review, the validity of the statute depended on whether the Hyde Amendment could demonstrate that it furthered an essential government objective, was narrowly tailored to achieve such objective, and the means employed were the least restrictive to accomplish the intent of the legislation.\textsuperscript{346} If, however, the Supreme Court determined that poor mothers were not a group in need of special recognition as a suspect class, the validity of the Hyde Amendment would be authorized if it could merely demonstrate that the enacted statute reasonably and rationally furthered any legitimate state objective.

In this case, the Supreme Court reiterated that poverty is not a suspect classification. The Supreme Court reasoned:

An indigent woman desiring an abortion does not come within the limited category of disadvantaged classes so recognized by our cases. Nor does the fact that the impact of the regulation falls upon those who cannot pay lead to a different conclusion. In a sense, every denial of welfare to an indigent creates a wealth classification as compared to non-indigents who are able to pay for the desired goods or services. But this Court has never held that financial need alone identifies a suspect class for purposes of equal protection analysis.\textsuperscript{347}

The Hyde Amendment did discriminate by distinguishing levels of benefits between two classes of poor mothers.\textsuperscript{348} However, under the lowest level of judicial review, the Supreme Court

\textsuperscript{345}Although the District Court concluded that the Hyde Amendment discriminated against teenage mothers who were a suspect class, the Supreme Court concluded that the Hyde Amendment did not single out recipients based on age and that regardless of age funding for abortions would only be allowed in cases of medical necessity, rape or incest. Therefore in order to warrant judicial review under strict scrutiny, McRae would be required “to prove that Congress ‘selected or reaffirmed a particular course of action at least in part ‘because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group.’” \textit{Harris}, 448 U.S. at 323 (quoting Personnel Adm’r of Mass. v. Feeney, 442 U.S. 256, 279 (1979)).

\textsuperscript{346}See \textit{supra} notes 249 and 253.


\textsuperscript{348}See \textit{supra} note 258. Supreme Court has rejected the notion that wealth (or lack of wealth) alone is enough to trigger strict scrutiny. \textit{See, Edwards v. California}, 314 U.S. 160 (1941) (The Supreme Court remarked that “indigence in itself is a neutral fact—constitutionality an irrelevance, like race, creed, or color.”); \textit{See also, San Antonio Indep. Sch. Dist}, 411 U.S. 1 (poverty is not a suspect class and statutes challenged on this basis will receive rational basis review.). \textit{But see also, Harper v. Va. Bd. of Elections}, 383 U.S. 663 (1966) (Poll tax in order to vote,
concluded that the means employed (denying funds to pay for abortions for Medicaid recipients) was rationally and reasonably related to meet the state’s legitimate interest. The Supreme Court denied welfare recipients access to financially supported abortions (even though the state paid for expenses relating to childbirth) holding that “an indigent woman who desires an abortion suffers no disadvantage as a consequence of a [state’s] decision to fund childbirth.”

The Supreme Court added that the Constitution or any case interpreting constitutional rights (i.e., Roe v. Wade) did not require constitutional entitlement to financial resources, especially if the barrier (to exercise the constitutional right) was not one “of its own creation.” While the Supreme Court did recognize the fundamental right to choose to have a child, McRae made it clear that there was no right to abort a fetus at the government’s expense. Within the emerging welfare policy, the choices that women could make with their bodies were heavily circumscribed by their access to financial resources. Moreover, notwithstanding inter-generational dependency arguments, the decision by the Supreme Court was wholly inconsistent with support of restrictive “family cap” legislation discussed earlier in Dandridge or

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349 Harris, at 323.
350 Ibid. at 314.
351 Ibid. at 316.
352 Ibid. at 308.
354 See, e.g., Moynihan, supra note 34, at 75.

**Balance of power between the judicial and legislative branches.**

On the surface, the next two cases, \textit{Saenz v. Roe} and \textit{Legal Services v. Velazquez}, seemed to be decisions which aggressively protected the rights of welfare recipients and ruled in favor of their fundamental rights. Upon closer examination, what appeared to be advocacy for social welfare programs were actually struggles for power between the Supreme Court and Congress, where welfare recipients became unintended beneficiaries. Here it appeared that the main goal was not to benefit welfare recipients but to maintain checks and balances between the legislative and judicial branches of government.

A perfect example of this power struggle is \textit{Saenz v. Roe},\footnote{\textit{Saenz v. Roe}, 526 U.S. 489 (1999).} a case which came on the heels of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the welfare reform agenda.\footnote{Personal Responsibility and Work Opportunity Reconciliation Act, 42 U.S.C. § 1305 (2000).} Thirty years prior to this case, in \textit{Shapiro},\footnote{\textit{Shapiro v. Thompson}, 394 U.S. 618, 627 (1969).} the Supreme Court ruled that residency restrictions under AFDC violated the fundamental right to travel.\footnote{Ibid.} In order to comply with \textit{Shapiro}, most states eliminated or altered the time period that indigent mothers had to wait in order to receive benefits.\footnote{See, A.P. van der Mei, \textit{ supra} note 268, at 821; Wisconsin had a sixty day waiting period. \textit{Ibid.} (citing Wis. Stat. § 49.19(11m) (1992)). Minnesota reduced benefits of those who resided less than six months. \textit{Ibid.} (citing Minn. Stat. § 256D.065 (1991)). In California, benefits could not exceed those obtain in the prior state of residence. \textit{Ibid.} (citing Cal. Welf. and Inst. Code § 11450.03 (1994)).} Unlike the residency requirement in \textit{Shapiro}—where the
state denied benefits to eligible new residents unless they resided in the state for one year—California established a residency policy which created a sliding scale for benefits based on the time a family had lived in the state.361 In an effort to escape abusive domestic relationships, the three women in Saenz v. Roe case moved to California.362 Once in California they applied for AFDC and were informed that under California law if welfare benefits in California exceeded those in the prior state of residence, the recipients would receive a reduced amount for one year.363 California argued unsuccessfully that unlike Shapiro the welfare policy here did not impose on the fundamental right to travel because individuals were not denied access to welfare benefits.364 Further, financial restraint justified reducing welfare benefits.365 And last, under the new welfare reform legislation Congress had granted the state the authority to set the residency requirement.366 PRWORA had in fact explicitly authorized states to limit welfare benefits to families who had resided in the state for less than one year.367

Re-affirming the “principles” established in Shapiro, the Supreme Court ruled that the residency restriction in California was unconstitutional and violated the fundamental and constitutional right to travel.368 Supreme Court explained that

[T]he right to travel . . . embraces at least three different components. It protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily

362 Saenz, 526 at U.S. 493.
363 Ibid. at 494.
364 Ibid. at 500.
365 Ibid. at 497.
367 Ibid.
368 Saenz, 526 U.S. at 499.
present in the second State and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.\textsuperscript{369}

While the Supreme Court acknowledged that California’s welfare policy did not impact a person’s freedom of movement, it found that California’s policy violated the right of new residents to be treated as equal citizens of the state.\textsuperscript{370} Therefore, “[w]hat is at issue in this case, . . . [is] the right of the newly arrived citizen to the same privileges and immunities enjoyed by other citizens of the same State.”\textsuperscript{371} The Supreme Court also warned that under the laws of the country, it is the citizens who make up the citizenry of a state and not the states who choose its citizens.\textsuperscript{372} While great deference was given to state laws, these laws must also yield to the Constitution.\textsuperscript{373} In its concluding remarks the Supreme Court noted that:

Citizens of the United States, whether rich or poor, have the right to choose to be citizens “of the state wherein they reside.” The States, however, do not have any right to select their citizens. The Fourteenth Amendment, like the Constitution itself, was, as Justice Cardozo put it, “framed upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division.”\textsuperscript{374}

\begin{footnotesize}
\footnotetext[369]{Ibid. at 500.}
\footnotetext[370]{Ibid. at 502.}
\footnotetext[373]{Ibid.}
\footnotetext[374]{Ibid.}
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The Supreme Court further noted that while preserving state resources is a justifiable goal, California cannot legitimately accomplish that goal by discriminating between citizens.\textsuperscript{375} The Supreme Court concluded the following:

[T]he question is not whether such saving is a legitimate purpose but whether the State may accomplish that end by the discriminatory means it has chosen. . . . But our negative answer to the question does not rest on the weakness of the State’s purported fiscal justification. It rests on the fact that the Citizenship Clause of the Fourteenth Amendment expressly equates citizenship with residence: “That Clause does not provide for, and does not allow for, degrees of citizenship based on length of residence.”\textsuperscript{376}

The Supreme Court admonished that even if Congress had authorized California to impose residency restrictions;

[Congressional] legislative powers are however limited not only by the scope of the Framers’ affirmative delegation, but also by the principle “that they may not be exercised in a way that violates other specific provisions of the constitution.” . . . Congress has no affirmative power to authorize the states to violate the Fourteenth Amendment and is implicitly prohibited from passing legislation that purports to validate any such violation.\textsuperscript{377}

Essentially, this passage was one of the Supreme Court’s clearest articulations of the limited powers of Congress. Here the Supreme Court stated that any attempt by Congress to allow states to set residency restrictions was in violation of the Constitution.\textsuperscript{378} The Supreme Court’s reading of the boundaries of the Constitution continually served as a powerful force in restricting the reach of Congressional decision-making in welfare policymaking.

\textsuperscript{375} Ibid. at 506 (quoting \textit{Zoble v. Williams}, 457 U.S. 55, 69 (1982)).
\textsuperscript{376} Ibid.
\textsuperscript{377} Ibid. at 508.
\textsuperscript{378} See also, \textit{Shapiro v. Thompson}, 394 U.S. 618, 641 (1969) (“Congress is without power to enlist state cooperation in a joint federal-state program by legislation which authorizes the States to violate the Equal Protection Clause.”)
Legal Services v. Velazquez further crystallized how the struggle between Congress and the Supreme Court unintentionally encouraged the Supreme Court momentarily to argue that welfare rights were a fundamental right. The Legal Service Corporation (LSC), which was created by the Legal Service Corporation Act, provided funding to organizations that assisted lower income citizens with legal matters unrelated to criminal law.\(^{379}\) In 1996 the Omnibus Consolidated Rescissions and Appropriations Act prohibited funds granted through the LSC to be used by litigants for purposes of “amending or otherwise challenging existing [welfare] law in effect on the date of the initiation of the representation.”\(^{380}\) In Legal Services, the LSC argued that this provision was invalid because the restriction denied welfare mothers the right to counsel in order to object to unconstitutional or conflicting welfare laws and policies.\(^{381}\)

The Supreme Court held that it was unconstitutional for Congress to provide funds for legal counsel to welfare mothers on the condition that those funds were not used to challenge the authority of Congressional welfare policy.\(^{382}\) Further, the Supreme Court found that it was impermissible for Congress to assume the traditional role of review afforded to the judicial branch.\(^{383}\) Additionally, the Supreme Court noted that such a statute interfered with the “unfettered interchange of ideas [used] for the bringing about of political and social changes


\(^{380}\) Ibid.

\(^{381}\) Legal Services v. Velazquez, 531 U.S. 533 (2001); See also, Rust v. Sullivan, 500 U.S. 173 (1991) (where the Supreme Court upheld Section 1008 of the Public Health Service Act which precluded federal funds from being used to “counsel concerning, referrals for, and activities advocating abortion as a method of family planning, and require such projects to maintain an objective integrity and independence from the prohibited abortion activities by the use of separate facilities, personnel, and accounting records.”) For a discussion of government funded expression and first amendment principles see, Arthur N. Eisenberg, “The Brooklyn Museum Controversy and the Issue of Government-Funded Expression,” Brooklyn Law Review 66, no. 2 (2000): 275.


\(^{383}\) Ibid.
desired by the people”” and therefore violated the fundamental rights of the First Amendment.\footnote{Ibid. at 548 (quoting New York Times Co. v. Sullivan, 376 U.S. 254, 269 (1964)).}

The Supreme Court continued:

Interpretation of the law and the Constitution is the primary mission of the judiciary when it acts within the sphere of its authority to resolve a case or controversy . . . . “It is emphatically the province and the duty of the judicial department to say what the law is.” An informed, independent judiciary presumes an informed, independent bar. Under § 504(a)(16), however, cases would be presented by LSC attorneys who could not advise the courts of serious questions of statutory validity. . . . By seeking to prohibit the analysis of certain legal issues and to truncate presentation to the courts, the enactment under review prohibits speech and expression upon which courts must depend for the proper exercise of the judicial power. Congress cannot wrest the law from the Constitution which is its source . . . . The restriction imposed by the statute here threatens severe impairment of the judicial function.\footnote{Ibid. at 545-46.}

While \textit{Legal Services} could be viewed as another victory for welfare mothers, the Supreme Court’s opinion and strong dissent by Justice Scalia made it clear that welfare mothers had merely reaped the benefits of this more general debate over Congressional authority in a moment heavily governed by (when it came to the poor) a rising fiscal conservatism and personal responsibility. Consider, for example, Justice Scalia’s dissenting opinion where he argued that an indigent welfare mother would not be deterred from bringing a lawsuit simply because she cannot be represented by the LSC, since the indigent welfare mother would simply have to \textit{hire} a lawyer who did not work for LSC.\footnote{Ibid. at 556-57.} And even if it did mean fewer statutory challenges to welfare laws, “so what? . . . [T]he welfare recipient [is] in no worse condition than she would have been in had the LSC program never been enacted.”\footnote{Ibid.} Theoretically this was

\footnote{\textit{Ibid.}}
true, since everyone had access to the Supreme Court. But, in the context of this situation and the reality of poverty, LSC would be the only feasible option for these welfare recipients.

Despite the Supreme Court’s signature endorsement here of procedural due process, equal protection under the law, and fundamental rights, there are still other cases decided on welfare law which signal the Supreme Court’s retreat from ruling in a manner which afforded welfare recipients a more complete granting of constitutional rights.\textsuperscript{388} These legal cases would reorganize the working power relationship between the state and federal government.

\textit{Federalism}

One of the key features of the Constitution is its focus on federalism (or better, its explanation of what role and exactly how much authority the federal government could take from the states).\textsuperscript{389} Scholar Andrew McLaughlin defined federalism as “[a] system of political order in which powers of the government are separated and distinguished and in which these powers are distributed among governments, each government having its quota of authority and each its distinct sphere of activity.”\textsuperscript{390} Within the federalist relationship, the courts serve a regulating function, using the Constitution to mediate the relationship between state and national governments.\textsuperscript{391}

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However, the question still remains as to what specific role the Supreme Court has in this complex matrix of mediation. In the case of welfare law, the Supreme Court was the instrument used by working poor and specifically working class Black women to challenge acts of discrimination implemented through state policies. When it came to distribution of welfare funds, state and local government officials paternalistically were involved in the lives of low-income Black mothers. As in larger Civil Rights struggles, the call for “states’ rights” became the perfect foil to implement and enforce “separate and unequal” under the law. In most cases, without the intervention of the Supreme Court Black mothers were “at greater risk of being discriminated against because of personal and institutional race bias.”

In the context of welfare and federalism, it was also clear that the Supreme Court was limited in what could be offered by its legal decisions. Scholar Polyvios G. Polyviou notes, “[t]he Constitution does not provide judicial remedies for every social and economic ill.” However, the Supreme Court’s role did regulate “appropriate” levels of power between state and federal governments. Under different theories of federalism, the federal or state government may hold stronger control over issues relating to, for example, welfare, health, and/or education.

Therefore, decisions by the Supreme Court fluctuate between ideas of “cooperative federalism”

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392 See, generally, Levy and McAllister, supra note 155.
397 For a discussion of cooperative federalism see, Philip J. Weiser, “Cooperative Federalism and Its Challenges,” Law Review of Michigan State University Detroit College of Law 2003, no. 3 (2003): 727, 729 (“A critical advantage of a cooperative federalism approach is that it sets forth a basic federal framework while allowing states to experiment within certain contours . . . respecting long-standing state interests and autonomy . . . facilitating local participation and greater accountability for public policies . . . allowing for local experimentation and interstate competition . . . and . . . relying on the economy of local agencies (rather than creating or expanding a national bureaucracy.”)
(preference for a decentralized structure of government where state and federal institutions work together to regulate policy implementation)\textsuperscript{398} to ideas of “new federalism” (where federal government takes a hands off approach on matters relating to state governance).\textsuperscript{399} This section will examine some Supreme Court decisions through the lens of federalism and see how changes in the inquiry of federal-state relationships affected welfare law decisions.

The War on Poverty, officially waged in August 1964, was an ambitious legislative effort to address the problem of a persistent racialized poverty in America.\textsuperscript{400} Over the next decade, the federal government (in conjunction with state and local governments, non-profits, and grassroots organizations) created a new institutional infrastructure for antipoverty and civil rights action.\textsuperscript{401} Characterized alternatively as times of consensus and controversy,\textsuperscript{402} this antipoverty and civil rights agenda highlighted growing ideological and racial tensions in American society. Congress felt discomfort in the realization that after all their declarations of equality, it was evident that some citizens were “more equal” than others.\textsuperscript{403}

While there was national consensus building around the idea that poverty was a problem in need of eradication or at least deserving of vigorous attention, there was less agreement in Congress as to the cause and subsequent solution to the problem.\textsuperscript{404} The increase in welfare rolls after the initiation of the War on Poverty agenda encouraged many states to experiment with

\begin{footnotes}
\footnotetext{398}{Ibid.}
\footnotetext{400}{Allen J. Matusow, The Unraveling of America: A History of Liberalism in the 1960s (San Francisco: Harper and Row, 1984).}
\footnotetext{404}{Ibid.}
\end{footnotes}
regulations to control the growth and cost of their welfare programs. Many of these restrictive measures—declaring a home “unsuitable” in order to deny benefits, denying benefits under the “man-in-the-house” rule, and establishing residency requirements—pre-dated the War on Poverty agenda and were heavily enforced against poor Black mothers in particular. Some state legislation declared that, for example, men who had sexual relationships with mothers on welfare were financially responsible for them and their children. These “substitute parent” regulations removed the mother from the roll regardless of whether the “boyfriend” contributed to that family’s income. The next few cases discussed here involve these types of regulations and often revealed that the Supreme Court articulated and maintained a dominant federal government presence over welfare legislation. There were clearly forms of social control and state retribution embedded within this “substitute parent” statute. Here, Black women who did not adhere to a normalized family structure of marriage and patriarchal authority, were fiscally penalized through welfare policy. The punitive nature of this ruling was made most evident in the focus on elevating at least the appearance of sexual temperance and behavioral worthiness over and above concern for the autonomous economic well-being of the mother and her children, let alone the man who had been designated official patriarch absent any evidence he acted as such.

405 Neubeck and Cazenave, supra note 184 at 59.
406 Goldberg and Collins argued that most restrictions such as the “suitable home” requirements were attempts by states to deny aid to poor Black women and children. See, Gertrude Schaffer Goldberg and Sheila D. Collins, Washington’s New Poor Law: Welfare Reform and the Roads Not Taken, 1935 to the Present (New York: The Apex Press, 2001), 20.
408 Ibid. at 314; Neubeck and Cazenave, supra note 184 at 60.
King v. Smith challenged the constitutionality of state restrictions that deviated from the federal mandates outlined in the SSA. As one of the first cases to reach the Supreme Court, King came through the federal courts because state courts were hostile to the interest of the poor and especially Black people, as the primary beneficiaries of the increased rolls during the late 1960s. Mrs. Sylvester Smith, a Black mother of four children, received AFDC to supplement the sixteen to twenty dollars she earned weekly working as a waitress. Her welfare benefits were terminated because it was alleged that “Mr. [Willie E.] Williams came to her home on weekends and had sexual relations with her.” Based upon this description of Mrs. Smith and Mr. Williams’ relationship alone, Mr. Williams was classified as a “substituted father.” Alabama’s regulation denied benefits to families who had a “substitute father.”

Alabama argued that its motivations for the “substitute father” rule were to preserve the spirit of morality and worthiness embodied in its welfare law provisions. Further, Alabama stressed that it was unfair to allow sexually active, unmarried and immoral mothers who refused to marry to receive benefits over those married mothers in the same economic situations. Unimpressed by this rationale, the Supreme Court concluded that Alabama’s standards of morality were clearly outdated and concluded that “it is inconceivable . . . that Alabama is free to

410 Davis, supra note 9 at 60.
411 King, 392 U.S. at 315.
412 Ibid.
413 Under substitute father provisions, otherwise eligible mothers were removed from the rolls if the social worker concluded that they were inappropriately associating with a man or if a man was found inside the recipient’s home. Such regulations would be enforced through frequent unannounced night time raids. See, Tonya L. Brito, “From Madonna to Proletariat: Constructing a New Ideology of Motherhood in Welfare Discourse,” Villanova Law Review 44, no. 3 (1999): 415.
415 King, 392 U.S. at 320.
416 Ibid. at 320-27.
discourage immortality and illegitimacy by the device of absolute disqualification of needy children.”

In a unanimous decision, the Supreme Court relied on the doctrine of “cooperative federalism” to knock down the “substitute father” rule. Under the doctrine of “cooperative federalism” states were free to administer their respective AFDC programs to reflect whatever goals and philosophies needed to assist and serve the poor. However, state programs were still bound by federal-state financing arrangements and state standards had to be consistent with the Constitution as well as federal regulations and statutes. The Supreme Court determined that Alabama’s definition of parent conflicted with the SSA, and “any state law or regulation inconsistent with such federal terms and conditions is to that extent invalid.” Therefore, in order to continue to receive money from the federal government to assist in financing its AFDC programs, the state could not impose a man-in-the-house rule.

The King case above demonstrates a conceptual shift in Supreme Court welfare ideology toward cooperative federalism, where the federal government conditioned funding according to how state governments regulated and legislated their AFDC programs in accordance with federal (constitutional) concerns. Moreover, under this theory, the Supreme Court concluded that states

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417 “Subsequent developments clearly establish that these state interests are not presently justifications for AFDC disqualifications. Insofar as this or any similar regulation is based on the state’s asserted interest in discouraging illicit sexual behavior and illegitimacy, it plainly conflicts with federal law and policy.” Ibid. at 320, 326.
418 Ibid. at 316.
420 King, 392 U.S. at 333 n.34.
421 Justice Douglas argued that the case should have been decided on equal protection grounds because Alabama had the option to reject federal funding and continue imposing the man-in-the-house eligibility restriction. Ibid. at 320, 326-27, 332-33 (Douglas, J., concurring).
had an obligation (if they accept federal funding) to furnish aid to all eligible poor.\footnote{\textit{Ibid.} at 334.} \textit{King} signaled the expanded control of the federal government over state policies and practices. The \textit{King} doctrine was also expanded to exclude a live-in boyfriend\footnote{\textit{In Lewis v. Martin} decided two years after \textit{King}, the Supreme Court ruled that California could not declare a non-adopter live-in boyfriend (who had no legal obligation to provide financial assistance to the dependent child) a breadwinner “. . . unless the bread is actually set on the table.” The \textit{Lewis} case can be distinguished from \textit{King} in several respects. First, unlike in \textit{King}, California did not remove the welfare mother from the welfare roll, but instead included the live-in boyfriend as a breadwinner and reduced the amount she would receive. Second, the boyfriend in this case assumed the role of spouse or stepfather whereas the boyfriend in Smith did not. The Supreme Court invalidated the California statute because it was in conflict with the United States Department of Health Education and Welfare (HEW) regulation. Accordingly, it was impermissible for a state to use the income of a live-in boyfriend or a non-adopter stepfather in calculating the need of the child unless the live-in boyfriend had a legal obligation to provide such support. \textit{Lewis v. Martin}, 397 U.S. 552, 557, 559-60 (1970).} as well as a roommate.\footnote{\textit{Van Lare v. Hurley} also addressed the issue of legal obligation in providing financial assistance for a needy child. In the \textit{Van Lare} case, the Supreme Court invalidated New York’s statute that used the income generated from a roommate/lodger to be considered for determination of benefits. Briefly, the Supreme Court reiterated that it was inconsistent with the SSA to use the income of a person who was not the natural or legally obligated supporter of a needy child as justification to reduce welfare benefits. \textit{Van Lare v. Hurley}, 421 U.S. 338, 346 (1975).}

Under cooperative federalism, the state and federal governments jointly administered, implemented, and financed some areas of social welfare (i.e., AFDC, Medicaid, education). If the federal government provided grants to the state for a particular program, the state had considerable latitude in developing policies and regulations for such programs. However, if the state’s statutes in relationship to the granted program were in conflict with the same federal statute, the Supreme Court could intervene.\footnote{\textit{See, e.g. Saenz}, 526 U.S. at 506 (quoting \textit{Zoble v. Williams}, 457 U.S. 55, 69 (1982)).} The Supreme Court invalidated a state statute if it failed to further the federal statute’s objective for the particular program.\footnote{\textit{Ibid.}} In this context, the federal objective of the Social Security Act (Title IV) was to provide assistance to all \textit{eligible} poor.\footnote{\textit{But see also, Dandridge v. Williams}, 397 U.S. 471 (1970).} Two cases that are perfect examples of the Supreme Court’s preemptive powers and exercise of cooperative federalism are \textit{Carleson v. Remillard}\footnote{\textit{Carleson v. Remillard}, 406 U.S. 598 (1972); \textit{See also}, Larry Cata Backer, “Poor Relief, Welfare Paralysis, and Assimilation,” \textit{Utah Law Review} 1996, no. 1 (1996): 1 (examining constitutional cases under a theory of mobile immobility of poor relief systems).} and \textit{Townsend v. Swank}.\footnote{\textit{Ibid.}}
In Carleson, the Supreme Court preempted a statute which was in clear conflict with the SSA. Here, federal legislation required each state to “furnish [aid] with reasonable promptness to all eligible individuals.” Nancy Remillard had one child and her husband was deployed to fight in Vietnam. The state of California denied aid because in order to be entitled to cash assistance the absence of a parent had to be considered “continued absence,” and under California regulation “absence occasioned by a father’s military duties can never be ‘continued.’” The state’s regulation defined “continued absence” in a narrow way that limited the conditions of eligibility. However, the Supreme Court read the federal statute broadly and concluded that a state was forbidden from denying AFDC benefits to a child because the parent’s absence was due to military service. In fact, Congress argued that the eligibility requirements of parental “continued absence” included absence attributed to any reason. Unfortunately, this decision made no provision for parents who were “provisionally absent” due to unemployment or simply because of poverty, but the Supreme Court did recognize in Townsend v. Swank that

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431 Carleson, 406 U.S. at 600.
432 Ibid. at 599.
434 Ibid.
435 Carleson, 406 U.S. at 604. It is significant that the law was changed in amendments to the Social Security Act relating to the AFDC and ADC programs in 1982 Pub. L. No. 97-248, 96 Stat. 317 (1982). Now, a parent whose absence is “occasioned solely by reason of the performance of active duty in a uniformed service of the United States is not considered absent from the home.” After 1982 military parents were no longer eligible for AFDC. 436 HEW’s regulations state:

Continued absence of the parent from the home constitutes the reason for deprivation of parental support or care when the parent is out of the home, the nature of the absence is such as either to interrupt or to terminate the parent’s functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent’s performance of his function in planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and he may have left only recently or some time previously. Carleson, 406 U.S. at 601-02.
not only were absent parents with children eligible, but also families with children under the age of twenty continuing studies in colleges and universities.\textsuperscript{437}

In Townsend, plaintiff Georgia Townsend was denied benefits because her child was enrolled in college.\textsuperscript{438} In the state of Illinois, mothers of poor children between the ages of eighteen and twenty were eligible to receive benefits so long as that child was enrolled in high school.\textsuperscript{439} However, if the child was enrolled in college, the mother was no longer eligible for AFDC benefits.\textsuperscript{440} Under SSA, Townsend would have been eligible for benefits.\textsuperscript{441} In order to disqualify Townsend from the state AFDC program, Illinois had the discretion to opt out of the federal AFDC program. Since Illinois did participate in AFDC it could set standards of eligibility to widen the requirements without breaching their obligation under the federal-state financing arrangement.\textsuperscript{442} If Illinois wanted to tighten eligibility standards, however, they had to adhere to the minimum parameters already established by the SSA.\textsuperscript{443} Illinois argued that Congress authorized such disparities in treatment among poor eligible children and this restriction was needed in order to preserve their limited welfare resources.\textsuperscript{444} However, the Supreme Court, unmoved by economic concerns, noted that states may not pass laws which “are inconsistent with the [Social Security Act] and that welfare must be furnished ‘to all eligible individuals.’”\textsuperscript{445}

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\item \textsuperscript{437} Townsend v. Swank, 404 U.S. 282 (1971).
\item \textsuperscript{438} Ibid. at 283 – 83.
\item \textsuperscript{439} Ibid.
\item \textsuperscript{440} Ibid.
\item \textsuperscript{441} Ibid. in 1965, Congress amended the SSA which made eighteen to twenty-year-olds eligible for AFDC if they attended a high school, vocational school, college or university. See, H.R. Rep. No. 682, 89th Cong., 1st Sess., 69 (1965).
\item \textsuperscript{442} Townsend, 404 U.S. at 285.
\item \textsuperscript{443} Ibid. Section 402(a)(10) of the Social Security Act, 42 U.S.C. § 602(a)(10), which provides in relevant part “that all individuals wishing to make application for aid to families with dependent children shall have opportunity to do so, and that aid to families with dependent children shall . . . be furnished with reasonable promptness to all eligible individuals.”
\item \textsuperscript{444} Townsend, 404 U.S. at 291.
\item \textsuperscript{445} Ibid. at 286 (quoting King v. Smith, 392 U.S. 309, 333 n. 34).
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The Supreme Court also found no support for Illinois’ argument that Congress allowed states to “discriminate between these needy dependent children solely upon the basis of the type of school attended.”\textsuperscript{446} At most, as Chief Justice Burger noted in the concurring opinion, states could only discriminate among classes of eligible poor children if it elected to forego federal funding.\textsuperscript{447} The Supreme Court stated:

\begin{quote}
[I]n the absence of congressional authorization for the exclusion clearly evidenced from the Social Security Act or its legislative history, a state eligibility standard that excludes persons eligible for assistance under federal AFDC standards violates the Social Security Act and is therefore invalid under the Supremacy Clause.\textsuperscript{448}
\end{quote}

Accordingly, Illinois could not impose additional restrictive criteria beyond those set forth in the SSA.\textsuperscript{449} Townsend is significant because the Supreme Court kept the door open for considering welfare as a legitimate claim even if the case did not establish a constitutional right to welfare. Although Townsend demonstrated how far federal authority could reach under cooperative federalism, not all cases involving cooperative federalism were decided against states’ rights.

The 1971 Supreme Court decision of Wyman v. James fits the cooperative federalist frame and yet embodied perhaps one of the most sweeping encroachments on welfare rights.\textsuperscript{450} Wyman authorized social workers to conduct “consent” home visits of a welfare recipient’s home to ensure eligibility requirements were met with threat of aid suspension in the face of noncompliance.\textsuperscript{451} Barbara James, a welfare recipient for two years, received notice that she had to submit to a home visit by a social worker.\textsuperscript{452} Ms. James refused to allow the social worker to

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\textsuperscript{446} Ibid. at 287.
\textsuperscript{447} Ibid. at 267, 291 (Burger, J., concurring).
\textsuperscript{448} Ibid. at 286.
\textsuperscript{449} Ibid.
\textsuperscript{450} Wyman v. James, 400 U.S. 309 (1971).
\textsuperscript{451} Ibid. at 326.
\textsuperscript{452} Ibid.
\end{flushleft}
visit her home, but was willing to provide any proof of eligibility required by the law. The social worker did not need any particular reason to perform the search which could be performed without a warrant. The Supreme Court first concluded that since no search had in fact occurred, this case was not within the purview of those rights considered protected by the Fourth Amendment. The court held:

This natural and quite proper protective attitude, however is not a factor in this case, for the seemingly obvious and simple reason that we are not concerned with any search by the New York Social Service agency in the Fourth Amendment meaning of the term. . . . [T]he visitation in itself is not forced or compelled . . . if consent is withheld no visitation takes place. There is no entry of the home and there is no search.

In ruling as it did, the Supreme Court assumed that there was no coercion involved in the decision to grant or withhold consent. The Supreme Court further noted that even if it had concluded that the search by a caseworker was akin to a search by a law enforcement official for a criminal investigation, the search would not be unreasonable under the Fourth Amendment. The Supreme Court decided that the privacy interest of the recipient affected by a search is minimal and that the visits were reasonable to determine the recipient’s eligibility. The visits were not part of any criminal investigation, the recipient was not an “actual or suspected perpetrator of [a] crime” and caseworkers were not “uniformed authorities.” Therefore, these searches were “reasonable administrative tools” to ensure compliance with AFDC regulations.

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453 Ibid.
454 Ibid.
455 Ibid. at 318.
456 Ibid. For a discussion of various types of searches which can be performed on a welfare recipient’s home without violating the Fourth Amendment, see, Erik G. Luna, “Welfare Fraud and the Fourth Amendment,” Pepperdine Law Review 24, no. 4 (1997): 1235.
457 Wyman, 400 U.S. at 318.
458 Ibid. (emphasis added).
459 Ibid. at 318-19.
460 Ibid. at 322-23.
461 Ibid. at 326.
The Wyman decision, which had negative Fourth Amendment implications, served as evidence of the Supreme Court’s new resistance to defining welfare as a property right. The Supreme Court remarked, “One who dispenses purely private charity naturally has an interest in and expects to know how his charitable funds are utilized and put to work.” The Supreme Court’s support of states’ rights arguments within a federalist logic was striking in this case because it did not observe that the state had exceeded its boundaries concluding that the state had not overreached in a way that generated conflict within the federal law or the Constitution.

Between the decisions reached in King and Townsend, the Supreme Court had defined a system that allowed the federal government flexibility in determining state AFDC regulations solely on the basis that they provided most of the money. This system did not allow states to create rules that were more restrictive and hence struck down many state regulations. But because the Court also recognized at least the limited validity of state regulations, these cases helped give rise to a new Supreme Court interpretive variation most generally understood as “new federalism.” The rubric of “new federalism” institutionalized deference to the state by both Congress and the Supreme Court, for legislating in areas that had historically been controlled by the federal government.

New York State Department of Social Services v. Dublino represented one of the clearest articulations of the Supreme Court’s move away from cooperative federalism and into

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463 Wyman, 400 U.S. at 319.
468 Ibid.
the domain of new federalism and a full endorsement of states’ rights. In Dublino, it was clear that the state and federal legislation was in conflict, but instead of invalidating the statute, the Supreme Court found that the Work Incentive Program (WIN) did not forbid the “Work Rules” enacted by the state of New York.

In 1971, the state of New York enacted “Work Rules.” Work Rules required that all recipients who can work must “report every two weeks to pick up their assistance checks in person; to file every two weeks a certificate . . . [stating they could not find] suitable employment; to report for requested employment interviews; to report to the public employment office the result of a referral for employment; and not to fail willfully to report for suitable employment, when available.” If a recipient failed to perform these requirements under the work rules, welfare benefits were discontinued. By contrast, the federal government’s WIN program did not require welfare recipient to demonstrate an effort to seek employment as a condition for receiving benefits. The plaintiffs, most of whom were Black mothers, challenged the validity of Work Rules in light of the WIN legislation. The Supreme Court revitalized states’ rights in its decision and reiterated the theory of “new federalism” for solving conflicts over welfare policy legislation. While the New York work requirement was in clear conflict with the WIN legislation, the Supreme Court found persuasive the state’s argument that welfare recipients should demonstrate their efforts to find work and demonstrate a profile of

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470 N.Y. State Dep’t of Soc. Servs., 413 U.S. at 411-412.
471 Ibid. at 408.
472 Ibid. at 408-09.
473 Ibid. at 409.
475 Ibid. at 294.
476 N.Y. State Dep’t of Social Servs., 413 U.S. at 413.
employability; and concluded that the statute did not present a real obstacle to the goals and philosophies of the federal program.\textsuperscript{477} Thus, despite the existence of the federal work incentive scheme, the Supreme Court ruled that there was no “clear manifestation” of any Congressional intent to block state policies that required recipients to demonstrate efforts to work.\textsuperscript{478} Under new federalism, the Supreme Court was free to interpret how federal statutes—particularly those that favored recipients—were implemented by the state.

\textit{Jefferson v. Hackney} serves as another example of the new federalist approach, where the Supreme Court decided that the state of Texas had the power to distribute its welfare resources unevenly.\textsuperscript{479} The Texas Constitution provided that the state could participate in any federal welfare programs, but could only allocate a maximum of $80,000 to fund the entire program.\textsuperscript{480} This included funding for AFDC, Old Age Assistance (OAA),\textsuperscript{481} Aid to the Blind (AB),\textsuperscript{482} and Aid for the Permanently and Totally Disabled (APTD).\textsuperscript{483} In order to efficiently use the funds, Texas calculated the financial need of each individual recipient who applied for the various programs.\textsuperscript{484} If the person was handicapped and eligible for a welfare program other than AFDC, that individual received ninety-five to one hundred percent of the calculated financial need.\textsuperscript{485} However if the person was eligible for AFDC, that person only received fifty percent of

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\item[Ibid.; See also, Brown, Williams and Baumann, \textit{supra} note 235 (arguing that the Supreme Court’s decision in Dublino created legal doctrine which contributed to the oppression of women, particularly in the context of welfare and paid labor).]
\item[N.Y. \textit{State Dep’t of Social Servs.}, 413 U.S. at 415.]
\item[\textit{Jefferson}, 406 U.S. at 537.]
\item[42 U.S.C. § 301 (2000).]
\item[42 U.S.C. § 1201.]
\item[42 U.S.C. § 1352; \textit{Jefferson}, 406 U.S. at 537.]
\item[\textit{Jefferson}, 406 U.S. at 537.]
\item[Ibid. at 537 n. 3.]
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their calculated financial need.486 This resulted in a significant decrease in benefits paid to the predominately Black AFDC program as compared to the predominately White OAA, AB, or APTD programs.487 In upholding this budgetary scheme, the Supreme Court confirmed, “there is no question that states have considerable latitude in allocating their AFDC resources, since each state is free to set its own standards of need and to determine the level of benefits by the amount of funds it devotes to the program.”488 This case demonstrated a clear ideological shift that veered towards complete deference to “states’ rights” in ways that had direct and dire implications for specifically working-class Black women navigating welfare.

Federalism continued to be a central lens through which current welfare cases are decided by the Supreme Court.489 But the emerging new federalist approach to welfare demonstrated the growing significance of fiscal concern as a legitimate claim and the rise of fiscal conservatism as a viable framework for endorsing a state’s rights argument in welfare law and policy decisions.

**Fiscal Conservatism**

Advocates of a fiscally conservative polity were generally critical of allocating public funds to poverty-related social programs (as opposed to tax subsidies for the wealthy or defense spending).490 Therefore, the rationale of fiscal conservatism became a powerful interpretive

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486 Ibid.
487 Ibid.
488 Ibid. at 541 (quoting King v. Smith, 392 U.S. 309, 318-19 (1968)).
489 While Hackney solidifies a new federalist outlook, it is also worth mentioning here that this case could also have been explored through the lens of the Equal Protection Clause. One of the main arguments advanced by the appellants was that it was unfair to provide the predominately white advanced aged and the disabled with higher payments than the predominately Black AFDC recipients. Dispensing funds in this manner was not only unfair on its face, but also distributed along racial lines. The Supreme Court, in one line dismissed these arguments as “unproved allegations of racial discrimination” and instead admonished that there is no federal constitutional or statutory requirement that relief provided under AFDC or OAA or AB or APTD be treated exactly alike. And with this, the decision signaled the end of any interpretation of welfare by the Supreme Court as a constitutional right. Jefferson, 406 U.S. at 546-47.
framework through which states adjusted welfare regulations to limit the welfare rolls.\footnote{See, e.g.,\ Shapiro v. Thompson, 394 U.S. 618, 623 (1969); Lyng v. UAW, 481 U.S. 368 (1987).}

Supreme Court decisions were more directly shaped by economically conservative approaches for evaluating the use value or even cost-benefits of social programs for the poor, perhaps influenced by three other developments: a larger backlash against the perceived politics of the 1960s, the ascendancy of centrist democratic and right wing republican governments, and a growth in national deficit. When recipients and their advocates turned to the Supreme Court to challenge restrictive state welfare regulations, most states argued that regulations were needed to control their rising fiscal budgets.\footnote{Ibid.} For example, in the *Shapiro* decision, the state of Connecticut argued that the statutory residency requirement was necessary “to protect its fisc[al concerns] by discouraging entry of those who come needing relief.”\footnote{Ibid.} Unless these arguments were in direct conflict with the SSA or violated a fundamental right (as in *Shapiro*), the Supreme Court gave deference to the state.

In the fiscally conservative era, states used various policy tactics to keep their welfare budgets and rolls low, including child exclusion laws (also referred to as the “family cap” rules),\footnote{Dandridge v. Williams, 397 U.S. 471 (1970).} “man in the house” rules,\footnote{Wyman v. James, 400 U.S. 309 (1971).} and residency requirements.\footnote{Shapiro v. Thompson, 394 U.S. 618 (1969).} As discussed earlier, the “family cap” rule discouraged mothers from continuing to have more children, reportedly in order to receive increased welfare payments.\footnote{Dandridge v. Williams, 397 U.S. 471 (1970).} Within the larger policy agenda of centrist Democratic President Bill Clinton, 1996 set the stage to “end welfare as we know it,” a policy...
approach strengthened by the backdrop of new litigation. The Supreme Court retreated from recipient advocacy and most policy decisions regarding the administration of welfare benefits were left to the discretion of the state within the “new federalist” philosophy.

Despite scarce rulings, a 1995 case decided during the Clinton Administration foreshadowed the fiscally conservative parameters of future welfare policy. In Anderson v. Edwards, Verna Edwards was caring for her granddaughter while receiving benefits from AFDC on her granddaughter’s behalf. In order to prevent her two grandnieces from going into foster care, Ms. Edwards also began caring for them. The grandnieces were also receiving AFDC and Ms. Edwards was not under any legal obligation to care for any of the children. In 1984, Congress amended the SSA and counted parents, children, and grandparents who lived together as one family unit for payment purposes under AFDC. Subsequently, California also changed its law to include all extended family living together as a part of one single family unit for purposes of calculating AFDC benefits. Under the new rule, when the state calculated the financial need of a family, it included all money coming into the home from any sources and reduced the AFDC check accordingly. As a result of this change in law, Ms. Edwards’ AFDC payment was reduced by over $200.00.

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499 Ibid.
500 Ibid. at 148.
501 Ibid. (citing Respondent’s Brief pp. 8-10).
502 Ibid.
504 Anderson, 514 U.S. at 146.
505 Ibid.
The Supreme Court’s ruling in *Anderson* affirmed states’ rights to implement family reduction plans if all children, regardless of kinship or obligations to financially support, lived in the same household.\(^{507}\) Under federal AFDC standards, children received higher benefits if they were considered children of separate family units that simply live together (a difference of $200).\(^{508}\) However, in order to save money and to establish lower benefit levels, the state of California grouped all children living in the same household as one single family.\(^{509}\) This ruling was emblematic of the Supreme Court’s move from a new federalist to a fiscal conservative approach, making the state’s budgetary concerns for scaling back welfare expenditures a legitimate consideration within the bounds of Supreme Court decisions about welfare legislation.\(^{510}\)

In fact, a real conflict did exist between state and federal guidelines for family welfare benefits. While federal benefits approved of a reduction scheme similar to the one adopted by California, a state was only allowed to use the income of the recipient in order to calculate his or her financial need.\(^{511}\) In *Anderson*, by combining family units based upon residency, California was able to consider the income of anyone in the home to calculate the financial need, even if everyone in the home did not share that income.\(^{512}\) The Supreme Court ignored this clear conflict with SSA in favor of state fiscal concerns. Consequently, instead of preemptsing state statutes via federal guidelines, the Supreme Court held that the state’s legislation was not inconsistent with the *philosophy* of the federal program.\(^{513}\) States could, therefore, control their

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\(^{507}\) *Anderson*, 514 U.S. at 158.
\(^{509}\) See, generally, *Anderson*, 514 U.S. at 166.
\(^{510}\) Ibid.
\(^{511}\) Ibid. at 143 (citing Respondent’s brief at 12).
\(^{512}\) Ibid. at 146.
\(^{513}\) Ibid. at 158.
welfare budgets by grouping children cared for by the same person into a single family unit. The clear implication of the Anderson case was that conservative policy-makers had retreated from the policy of providing for America’s poor, using monetary caps to preserve fiscal budgets and put the poor on the road to work. Other examples of this fiscally conservative approach are represented in the significant cases, Lukhard v. Reed and Lyng v. UAW.

The fiscal conservative approach unabashedly initiated a purely pro-capitalist (as opposed to labor) stance on welfare entitlement by repressing labor activism through loss of benefits and by decreasing welfare payments through the recalculation of what income would reduce a recipient’s aid. In 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (OBRA), designed to reduce the federal budget. One section of OBRA purported to make families ineligible for aid if they received income exceeding the need level determined by a particular state. Based on the federal statute, income was never defined. This gave states the freedom to create their own parameters.

In Lukhard v. Reed, the Supreme Court was asked to determine whether a civil judgment for personal injury should be calculated as a welfare recipient’s income for calculating eligibility. The state of Virginia included lump sum payments of personal injury awards as income, for purposes of determining eligibility. Ona Mae Reed received a lump sum personal

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514 Ibid. at 146.
518 Lukhard, 481 U.S. 372.
521 Lukhard, 481 U.S. at 373.
injury payment which she used for household living expenses.522 This lump sum payment subsequently disqualified her from AFDC funds.523 Ms. Reed argued that counting personal injury payments as income violated federal law.524 Under OBRA, the period of ineligibility for benefits depended on whether a personal injury award was deemed as income or assets.525 If the personal injury award was considered income,526 the state could deny aid to the welfare recipient for as long as the money should last if the person received that monthly economic equivalent from the state.527 However, if the personal injury award were considered a resource, Ms. Reed would only lose aid for the month in which the personal injury award was received.528 Labeling a personal injury award as income could be particularly devastating to a permanently disabled mother. The Supreme Court upheld Virginia’s classification of the personal injury award as income, declaring that it was not inconsistent with the OBRA and AFDC statutes, which allowed the state to reduce its budget at the expense of the welfare recipient.529 Lukhard embodied the rising hegemonic force of fiscal conservatism and its evaluative cost benefit standards over and above family need and social justice.

In Lyng v. UAW,530 welfare recipients were forced to choose between social activism and social welfare benefits. In OBRA, Congress decided that those who faced a temporary loss of income due to their position on the picket line would be ineligible for food stamps.531

522 Ibid.
523 Ibid.
524 Ibid.
525 Ibid. at 371-72.
526 “Income may be defined as the gain derived from capital, from labor, or from both combined, provided it be understood to include profit gained through a sale or conversion of capital assets . . . .” Lukhard, 481 U.S. at 374-75 (quoting Eisner v. Macomber, 252 U.S. 189, 207 (1920)).
527 Ibid. at 372.
528 Ibid.
529 Ibid. at 376.
Berry went on strike because her union and employer could not reach an agreement regarding the terms of her employment contract. While the strike continued, Ms. Berry received strike insurance benefits for her living expenses. Subsequently, she applied for food stamps to supplement the insurance but was rejected on the basis of her participation in the strike. Ms. Berry argued among other things, that OBRA violated the Equal Protection Clause because it denied eligibility to strikers but allowed those who quit their employment to be eligible. The Supreme Court summarily dismissed this equal protection claim instead opting to evaluate the merits of this case based on “protecting the fiscal integrity of Government programs.” Using fiscal integrity as a guise for “maintaining neutrality in private labor disputes,” the Supreme Court was able to mask a clear bias against labor activism. While not directly stated, the Supreme Court’s ruling suggested that providing aid to strikers would drain the fiscal resources preserved for those deemed now not just morally, but politically worthy of welfare benefits. Therefore, a certain level of discrimination by Congress is warranted (and obviously approved here) in order to preserve benefits for the “deserving poor.” These cases powerfully demonstrate the degree to which marketplace poverty became an indicator of moral failings that, at least by this time, the Supreme Court decided could only be remedied by the public policy ideology of fiscal conservatism.

As seen in the legal debates, a presumably neutral process of decision-making is profoundly informed by extra-legal concerns of the distribution of governmental power, political orientation and even moral outlook. Such extra-legal concerns have not just informed welfare

532 See, Ibid. (citing Appellees’ Brief, p 16).
533 Ibid.
536 Lyng, 485 U.S. at 373.
537 Ibid.
law, but the formation and implementation of welfare policy and most centrally its reform. In
the next chapter I will demonstrate how the recognition of this law and policy nexus informs my
methodological examination of welfare reform and its discontents.
CHAPTER 3

IN SEARCH OF THE WELFARE QUEEN: A METHODOLOGY

To be in the margin is to be part of the whole but outside the main body....We could enter th[e] world but we could not live there...Living as we did—on the edge—we developed a particular way of seeing reality. We looked both from the outside in and the inside out. We focused our attention on the center as well as on the margin. We understood both. This mode of seeing reminded us of the existence of a whole universe, a main body made up of both margin and center. Our survival depended on an ongoing public awareness of the separation between margin and center and an ongoing private acknowledgement that we were a necessary, vital part of that whole.\(^\text{538}\)

(bell hooks, 1984: preface)

INTRODUCTION

After sending off my letters of intent to New Hope Church of God In Christ and Christian Faith Fellowship Church, individuals kept referring me to a Ms. B. It turns out that Ms. B ultimately became my gatekeeper, my access into the world of single black W-2 mothers. Ms. B was not one of the participants in my study, but she was eager to help. We arranged a meeting time at her home on the Northwest side of Milwaukee. I arrived at her apartment complex about 15 minutes before we had scheduled to meet. I pulled into what appeared to be an alleyway, but later discovered that it is the parking area for the many families who occupy this apartment complex. A huge dumpster aligns the driveway and there is only one way in and one way out. On the right of the dumpster, I noticed a group of women selling second hand items, a traditional rummage sale. I parked in an unmarked parking slot and am immediately approached by one of the women to see if I am interested in their goods. I took a quick look, nodded in gratitude and continued on my way to Ms. B’s apartment. I parked in the rear of the apartment complex so I

\(^{538}\) Bell Hooks, Feminist Theory: From Margin to Center (Boston: South End Press, 1984).
had to walk through what appeared to be a courtyard, where one expects to see grass there was gravel. I walked over to the address given for Ms. B and noticed a banner which advertised three bedroom townhome rentals. A few doors down, where I expected to see trees or flowers there were signs for chicken dinners and more rummage sales. I rang the door bell to Ms. B’s apartment and am met by a teenage girl. I later discovered that this was Ms. B’s granddaughter. I am let into the apartment and Ms. B was waiting for me at a table. She was excited and eager and her sunny disposition reinforced all of the stereotypes held with regard to the welfare queen maybe even the older image of the mammy. Ms. B is an older African-American Women. She is roughly 60 years old, short stature and a bit overweight. She has a modest home boasting of all the things, which suggested that she may be living above her means. She definitely struck me as the “mother” or “grandmother” in the community. Everything about the community, the apartment complex, Ms. B, her granddaughter and her apartment suggested to me that this was a lower income residence. Yet I am wrong, Ms. B is not on W-2 nor is she eligible and the rent for the apartment she lives in ranges from $800 - $900 per month, a significant expenditure for the furnishings. She offered a list of names to me and immediately began explaining who the people are on the list and suggested she come along with me to do the interviews. I sat and talked with her for a few more hours, had coffee and explained my study to her at least four times before I am able to leave and start exploring the list.

Ms. B and the Reasons for a Qualitative Study

This is an evaluative study of the Wisconsin Works (W-2) program. The way that I wrongfully brought a whole list of preconceived notions to evaluate the experience of Ms. B, serves as an analog to social scientific study of W-2. However, Ms. B was able to speak back.
Therefore, this study is different in that it evaluates W-2 from the perspective of its recipients. While there have been studies of W-2 before, none have placed the voices of recipients in conversation with the program and its management of state resources. In particular, this study will focus on the opinions of African American mothers. In order to get at the experience of Black mothers within welfare policy this study will deploy a qualitative approach. This approach will involve an interpretive focus on my participant’s organic environment and try to interpret this environment based on the webs of meaning produced by the participants themselves and the settings in which they live.

Empirical research has been frequently associated with “quantitative” research—research which uses statistics in order to make patterned correlations and conclusions about certain variables. On the other hand, qualitative research is research which “…stud[ies] things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them.” Prior to the 1960s, empirical research primarily deployed quantitative design methods. However in the early 1970s many disciplines began employing a more qualitative approach in research design and qualitative research began to gain legitimate recognition. Despite its legitimacy, qualitative methods are still challenged on the basis that this type of methodology does not employ a scientifically rigorous or objective agenda.

542 Hammersley, supra note 540.
543 Ibid.
I find qualitative methods of research useful however, precisely because the collective evidence of individuals, allows us to see how social actors provide coherent meaning to their social experiences in ways that could contribute to and shape general theories. Therefore, in this study I am following the lead of bell hooks by placing the seemingly marginal voices of the welfare mothers at the center of the discussion of welfare policy and implementation. In this study, qualitative research was used to document, in these mothers own words, the lived experiences of W-2 recipients and to give them the power to describe the cultural, social, and political phenomena affecting their world. In an evaluative study such as this, it was also pertinent to allow the participants a space for interjecting diverse meanings and a wider scope for understanding how W-2 affected their lives, both in the positive and negative.

The type of qualitative research used in this study is narrative research through an Afro-centric feminist epistemological lens. In fact, until the emergence of interdisciplinary legal theories, such as critical race theory, queer theory, and law and literature, legal scholars did not overtly embrace the use of narratives. Most legal scholars were content with discussing the law as a neutral or abstract experience and or observation. While I can agree that the law should be neutral and may even appear neutral, I agree with those scholars who view the law

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itself as containing a host of narratives. In my career as a defense attorney, I discovered that my primary task was to offer a compelling narrative about my client’s actions to the jury or the judge. The use of narratives in this study therefore, will describe the experience of African-American women and provide context for their experiences. Narratives can bring the voices of those traditionally deprived of power to the center of the discussion. “Narratives help to create common ground, allowing individuals to understand and empathize with the experiences of individuals and groups who are, or seem to be, different.” More importantly, narratives challenge the rudimentary system that the law or by extension policy seeks to uphold through its ostensible use of objectivity which in reality is simply a product of imposing a set of subjective “values as the norm.”

Despite the staunch criticism of narrative research scholarship, stories from the margins play an important role for evaluating and critiquing legal policies. By example, according to Scholars Maenette Benham and Joanne Cooper, “narrative methods might very well be more responsive to the researcher’s and practitioner’s intent to bring to the surface those experiences that go beyond superficial masks and stereotypes.” Scholar Guy Widdershoven argues that the use of narratives to generate theory is important when evaluating lived experiences because these experiences will have little value if the narrative is not connected to

551 Mitchell, supra note 549 at 95-96.
552 Raigrodski, supra note 550 at 1324.
553 See, Sherry and Farber, supra note 547.
the lived realities of the participants. Therefore this study uses narrative analysis to construct theory by comprehending how African-American mothers make sense of their experiences while simultaneously accurately describing those experiences and the social world from which those experiences are derived. It also important to note that using narrative methodology requires the researcher to confront and hopefully better understand their own “biases, assumptions, and social reactions,” to certain events. Being able to understand that a particular narrative may be influenced by this external forces ultimately will allow the researcher to produce a narrative which is more forthcoming and honest and which ultimately considers and takes into account how outside forces may have influenced the presentation as well as the interpretation of the data.

**The Research Question**

My research asks what happens when we place the actual voices of black mothers, living through the transition from welfare to work in the model state of Wisconsin, at the center of analysis. How does the narrative research analysis of black mothers’ experience under W-2 challenge the overwhelmingly statistical assessment of Wisconsin’s reported success? In order to both contextualize and fully develop this research I will (1) analyze the racial and gendered discourse surrounding the development and implementation of the Wisconsin Works Program and (2) examine specifically how the lived experiences of black mothers in Milwaukee were affected by the welfare to work laws/policies since Wisconsin’s transition from AFDC to W-2 in 1997.

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Theoretical Framework and Ideological Perspective

Influences of Afro-centric feminist epistemology.

Afro-centricity is a philosophical model of thought based on traditional African philosophical assumptions about culture, economics, history and psychology. According to Molefi Asante “Afro-centricity is a quality of thought, practice, and perspective that perceives Africans as subjects and agents of phenomena acting in their own cultural image and human interest.” The Afro-centric perspective argues that there are varied ways in which knowledge

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558 The Afro-centric paradigm assumes that all African Americans have a distinct cultural orientation despite the varied countries in which they may be located. See, Molefi Kete Asante, Afrocentricity (Lawrenceville, NJ: African World Press, 1988); Joseph A Baldwin, “Notes on Afrocentric Theory of Black Personality,” Western Journal of Black Studies 5, no. 3 (Fall 1981): 172; Jerome H. Schiele, “The Contour and Meaning of Afrocentric Social Work,” Journal of Black Studies 27, no. 6 (July 1997): 800. The assumption is that there is an essential African worldview based upon a commitment to resist annihilation of culture, political power and economic freedom despite, in particular to African-Americans, a dominant and external white American cultural influence. See, Molefi Kete Asante, Afrocentricity: Theory of Social Change (Revised and Expanded) (Chicago: African American Images, 2003); Afro-centricity is conscientization related to the agency of African people.” In order to appreciate and comprehended lived realities and experiences of African Americans, the African worldview must embrace a commitment to pursue ethnic justice and resist oppression. Scholars Bell, Bouie, and Baldwin argue that “the African-American worldview is rooted in the historical, cultural, and philosophical tradition of African people. This worldview incorporates Black behaviors and psychological functioning from the perspective of a value system which prioritizes the affirmation of Black life”. See, Yvonne R. Bell, Cathy L. Bouie, and Joseph A. Baldwin, Afrocentric Cultural Consciousness and African-American Male-Female Relationships,” Journal of Black Studies 21, no. 2 (December 1990): 162-189.

There are five general characteristics of an Afro-centric epistemology:
1. The Afro-centric method considers that no phenomena can be apprehended adequately without locating it first. A phenom must be studied and analyzed in relationship to psychological time and space. It must always be located. This is the only way to investigate the complex interrelationships of science and art, design and execution, creation and maintenance, generation and tradition, and other areas bypassed by theory.
2. The Afro-centric method considers phenomena to be diverse, dynamic, and in motion and therefore it is necessary for a person to accurately note and record the location of phenomena even in the midst of fluctuations. This means that the investigator must know where he or she is standing in the process.
3. The Afro-centric method is a form of cultural criticism that examines etymological uses of words and terms in order to know the source of an author’s location. This allows us to intersect ideas with actions and actions with ideas on the basis of what is pejorative and ineffective and what is creative and transformative at the political and economic levels.
4. The Afro-centric method seeks to uncover the masks behind the rhetoric of power, privilege, and position in order to establish how principal myths create place. The method enrones critical reflection that reveals the perception of monolithic power as nothing but the projection of a cadre of adventurers.
5. The Afro-centric method locates the imaginative structure of a system of economics, bureau of politics, policy of government, expression of cultural form in the attitude, direction, and language of the phenom, be it text, institution, personality, interaction, or event. See, Molefi Kete Asante, Afrocentricity, http://www.asante.net/articles/1/afrocentricity/ (accessed September 2008).

559 Asante, supra note 558 at 1.
is acquired and produced. Hence it offers an alternate way of knowing and explaining certain social phenomena affecting Black people. Since Black women stand in the unique position of offering a way of knowing from not only the Afro-centric perspective but also the feminist paradigm, another epistemology is offered to centralize the concerns of Black women while simultaneously using some of the major tenets of both traditions. Expounding on Asante’s use of the Afro-centric paradigm, Scholar Patricia Hill Collins has introduced an Afro-centric feminist epistemological paradigm which suggest that there is not only a unique way of producing and acquiring knowledge for Black people, but also more specifically for African/Black women. She notes that “Afro-centrism referred to African influences on African-American culture, consciousness, behavior and social organization…people of African descent have created and re-created a valuable system of ideas, social practices and cultures that have been essential to Black survival.”

The assumption is that all Black people have gone through or experienced oppression resulting from de jure systems of racial domination, such as slavery, colonization, apartheid, and imperialism and it is through these oppressive conditions that an Afro-centric way of knowing is developed within Black communities. “The collective history of people of African descent from Africa, Caribbean, and South and North America constitutes an Afro-centric consciousness that permeates through the framework of a distinctive Afro-centric epistemology.” While Afro-centric feminist epistemology accepts Asante’s position that epistemology is also grounded

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562 Collins, supra note 561 at xii.
563 Collins, supra note 561.
564 Collins, supra note 561 at 228.
in African centered traditions, “among Afro-centric feminist and Afro-centric scholars, the term is used to address the ways in which people of African ancestry construct their worldviews.”

Collins also notes, “…many Black women have had access to another epistemology that encompasses standards for assessing truth that are widely accepted among African-American Women. An experiential, material base underlies a black feminist epistemology, namely, collective experience and accompanying worldviews that U.S. black women sustained based on our particular history.”

It therefore goes without saying then that Black women will offer experiences that historically link them to the major tenets of an Afro-centric epistemology. The Afro-centric feminist epistemological framework is based on the following assumptions: (1) the actual lived experiences of black women are important ways of knowing; (2) the use of verbal and nonverbal dialog in assessing knowledge claims; (3) Personal expressiveness, emotions, and empathy modes of the ethics of caring are central; and (4) the ethic of personal accountability for ways of knowing espoused through an Afro-centric feminist epistemological paradigm.

Keeping with the tradition of the narrative research design this study was conducted through the use of narrative inquiry by studying the life experiences of thirty African-American women participating in the W-2 program in Milwaukee, Wisconsin. An Afro-centric feminist epistemology is appropriate considering that this study focuses on the subjective lived experiences of Black women, how these individuals develop knowledge claims, convey these

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566 Collins, supra note 561, at 256.

567 Ibid. at 257-266.

claims, and also have a vested interest in how these claims will be received and interpreted. Drawing on Patricia Hill Collins\textsuperscript{569} and bell hooks\textsuperscript{570} notions of “concrete or lived experiences,” this study situates welfare reform within the lived experiences and interpretations of Black working poor mothers from Milwaukee. This study seeks to bring back their voices, personal voices which have been ignored in discussions, despite the fact that they are central both to the debate (as the stereotypical “welfare queen”) and in its implementation (as the centrally targeted working poor). This type of design is suitable because lived experiences of African-American women can be constituted as stories which can reflect the essential set of realities in which welfare is both evaluated and lived.\textsuperscript{571} Moreover it is important to validate Black mother’s Afro-centric epistemology because this body of knowledge contributes to the richness of theory based upon influences from African-descended culture and ultimately also informs what these mothers believe about themselves and their lived experiences. Furthermore, as scholar Sara Lawrence Light-foot argues “African American tradition links the process of narrative to discovering and attaining identity…and serves as a deep source of resonance.”\textsuperscript{572}

A quasi-grounded theory study.

I chose a quasi-grounded theory approach because I believe like Scholars Barney Glazer and Anselm Strauss, that theories should be grounded in data from the field.\textsuperscript{573} I refer to my approach as a quasi-grounded theory approach because while I am concerned with generating theory from my data, I am equally concerned with generating theory by allowing black mothers

\begin{footnotes}
\textsuperscript{569} Collins, supra note 561.
\textsuperscript{570} Bell Hooks, \textit{Yearning: Race, Gender, and Cultural Politics} (Boston, South End Press, 1990).
\textsuperscript{572} \textit{Ibid.} at 606.
\end{footnotes}
to describe the meaning of their lived experiences on W-2. The basic idea of the grounded theory approach is to generate a theory that relates to particular phenomena.\footnote{Creswell, supra note 541; Duff, supra note 541.} It is important in an evaluative study such as this to engage the particular subjects in order to see how they negotiate their world. This process of observation and interviewing and storytelling (and perhaps even more observation and more interviewing and storytelling) from the field begins the process of generating theory. Grounded theory is also associated with an evolving theory because the researcher continually observes how the participants continue to handle particular phenomena hoping to generate concepts that explain rather than describe a participants main concerns regarding W-2. Grounded theory depends on examining a range of data out in the field in order to arrive at particular conclusions. These different types of data are separated into categories. The process is also called coding.

There are generally three types of coding in grounded theory.

1. In open coding, the researcher forms initial categories of information about the phenomenon being studied by segmenting information. Within each category, the investigator finds several properties or subcategories and looks for data to dimensionalize or show the extreme possibilities on a continuum of the property.

2. In axial coding, the investigator assembles the data in new ways after open coding. This is presented using a coding paradigm or logic diagram in which the researcher identifies a central phenomenon, explores causal conditions, specifies strategies, identifies the context and delineates the consequences for this phenomenon.

3. In selective coding the researcher identifies a “story line” and writes a story that integrates the categories in the axial coding model. In this phase, conditional propositions are typically presented.\footnote{Creswell, supra note 541 at 57.}

Open coding usually is done in the beginning of data analysis after the initial observation. The researcher is attempting to make sense of the data by coming up with universal codes that define
the problems and any attempts at resolutions of these problems.\footnote{Anselm Strauss and Juliet Corbin, \textit{Basics of Qualitative Research: Grounded Theory Procedures and Techniques} (Thousand Oaks, CA: Sage Publication, 1990).} In open coding, the researcher divides their sources of data into categories in order to identify and describe phenomena. Through this process, the significance of each line is examined and categorized into major themes. The next step in categorizing or coding is Axial coding. The purpose of Axial coding is to begin to make the connections between the data and to show how the data is related to one another. It is during this process that the researcher attempts to isolate one particular theme and show how causal links are generated about the main concerns of the participants.\footnote{Ibid.} Lastly, selective coding attempts to bring the narrative together. It attempts to explain what it is the main concern of the participants through connecting the categories that have been produced through the open and axial coding methods.

Generating grounded theory does not require a strict adherence to these types of coding and in fact may include a conditional matrix type of coding, or may informally adhere to some type of coding.\footnote{Creswell, \textit{supra} note 541.} As more and more data is added to the categories, the process of analysis begins and continues throughout the entire data collection process.\footnote{Ibid.; Glaser and Strauss, \textit{supra} note 573.} What is important about grounded theory is that it requires that data be collected and analyzed and then data is collected until the categories are saturated. As a quasi-grounded theory study, I did not strictly adhere to the coding requirements meticulous note-taking. However, the data was reviewed multiple times in order to establish major themes and connect these themes in order to establish the appropriate theory generating narrative.

\textit{Data Collection}
While on-site in Milwaukee, Wisconsin, I conducted thirty in person, in-depth interviews. According to Scholar, John Creswell, interviews are extremely important for a grounded theory framework.\textsuperscript{580} I used a purposive sampling method because I was interested in gathering data from Black mothers as key informants about their experiences and as key producers of knowledge.\textsuperscript{581} I intentionally selected mothers based on their capacity to add to theory. The type of purposive sampling I conducted for this study is called snowball or chain sampling. Snowball sampling identifies additional participants for the study based upon word-of-mouth and recommendation.\textsuperscript{582} I chose this type of sampling method because it is well-suited for a grounded theory study. By interviewing Black mothers, this study hoped to evaluate the policy conditions under which W-2 mothers lived.

I stood outside of the Job Centers and handed out my business card in order to get participation from Black mothers who reported to the North, Northwest, or YWCA Job Centers located in Milwaukee. Most women in the W-2 program are required to report to a Job center to get referrals for work, therefore the job centers were good locations for meeting mothers. The particular Job Centers were pre-selected based on their location in heavily populated African-American residential communities. For the first week of data collection, I stood outside these locations from 9am – 6pm, unless an interview was scheduled.

While a person’s religious affiliation may have nothing to do with an assessment of a program’s outcome, based on the findings of Scholars Stan Bowie, Carol Dutton Stepick and Alex Stepick, Black mothers on welfare in Liberty City (Miami) expressed a real commitment to

\textsuperscript{580} Creswell, supra note 541.
\textsuperscript{581} Ibid.
\textsuperscript{582} Ibid.
spirituality and faith. Based on this value I deduced that many Black mothers in Milwaukee would profess profound affinity for religion, possibly attending worship services. Moreover, despite secularization, the church remains a vital institution through which to engage a cross-section of the African-American community, not to mention the predominately working poor constituency of many non-denominational and Pentecostal churches. Therefore, the sampling frame for my study was derived from Black mothers who mostly attended Pentecostal, Baptist and Non-denominational churches.

I specifically selected New Hope Church of God in Christ and Christian Faith Fellowship Church. Letters of Consent were sent to both churches requesting access to their members for this study, which I was duly granted. I selected these two particular churches for the following reasons (1) based on my familiarity with the community it would be easier to navigate in these particular areas. Based on their location in the Milwaukee community I believed I would receive a diverse set of black mothers to interview and I have an established relationship with Pastor Leon Davis of New Hope Church and Bishop Darrell Hines of Christian Faith Fellowship Church as well as with their administrative staffs. These two churches also allowed me to diversify the demographic of the participant sample beyond the Job Centers. Christian Faith Fellowship Church appointed a liaison who referred me to mothers with possible interest in this study while New Hope Church handed out my business card. This study did not distinguish between group participants according to how they were referred.

In order to gain entry into those communities, I was initially given a few names by a Ms. B. who vouched for my credibility. My sample included Black adult mothers (above age eighteen), who (1) were on W-2 at the time of the interview, or (2) were on W-2 between 1998

\[^{583}\text{Bowie et al., supra note 72.}\]
and 2005, but not at the time of the interview or (3) never received cash assistance from W-2, but were eligible. The interviews took place over a two-month period in 2005. I scheduled appointments for interviews between the hours of 9am – 5pm. Due to safety concerns, no interview was scheduled after 5pm. Most interviews were roughly sixty minutes in length; however there were some that were as long as ninety to one hundred and twenty minutes.

Initially the first three interviews were conducted at IHOP restaurants. While it is customary and certainly wise to choose a quiet location, I initially wanted to treat the participants to a meal while we spoke. This location was quickly changed, first due to issues of confidentiality, second, the volume of noise in the restaurant, and last it was hard for me to negotiate interviewing while participants ate. All further interviews were conducted at the participant’s home, home of a relative, or the home of Ms. B. The participants picked the location. I then solicited more names from the mothers who I interviewed and used the snowball sampling technique by asking each initial person to introduce or refer me to additional Black mothers who were not necessarily affiliated with a religious organization. I offered an additional $5 to participants who referred three additional people to me. In order to get the $5, the referees had to participate in the study. Again, while I did not distinguish between mothers who were referred to me directly by the Churches/Job Centers and mothers who were referred by the participants, about an equal number of participants were direct references as compared to participant references. Additionally, I interviewed a former as well as a current Financial Employment person (FEP), prior to interviewing any participants and to give me general information on the W-2 agency. This person is equivalent to a social worker under the former AFDC cash entitlement program.

Creswell, supra note 541.
The women are all black mothers and they range in age from twenty-one to fifty-one years old. In my study, black does not necessarily mean African-American, but all of the women at least partially identified as African-American. Those in my sample had an average of 2.3 children. The median number of children was two children. The number of dependents ranged from between one to five children. Two of the participants were married, one was married but separated indefinitely, two were divorced, and all others were single and had never been married. Four of the participants had college degrees ranging from the Associate level to the Masters level. In addition to the four participants with college degrees, twelve other participants had some college education, ranging from one to three years. Seven of the participants had graduated from high school and received a diploma or diploma equivalency. These seven participants did not have any college education. The remaining participants had some primary and secondary education, but did not receive a diploma or diploma equivalency. At the time of the interview, four of the participants were currently using W-2 services; all other participants were not using W-2 at the time of the interview, but had used their services sometime between 1998 and 2005. Six of the participants were enrolled in college at the time of the interview. Six of the participants were employed at the time of the interview. The remaining eighteen participants were unemployed, not in school and not receiving W-2 services. They were being supported by family, friends, or illegal sources. The average number of months that the participants used W-2 services was fifteen. This included a participant who used fifty months of W-2 services. This participant was enrolled at both the Community Service Jobs level and the W-2 transition level for disabled workers. By being placed in both levels, the lifetime limit was increased by twenty-four months. Without including this participant, the average W-2 service usage was 13.3 months. The range of months used was two to twenty-four months (if you do
not count the participant who was enrolled in two levels of W-2). There were at least six participants who reached their time limits while on W-2 and at least four other participants who used upwards of twenty-three months. There were ten participants who were not originally born in Milwaukee, Wisconsin. Of those ten, seven of the participants moved to Wisconsin as children. Two of the participants, who moved to Wisconsin as an adult, were from Illinois and Missouri.

**Interview Questions**

**Un-structured interview questions.**

Before the interview process, I explained the purpose of my project and the consent form to each participant. It is important to note here, that each participant was also informed that I had a law degree, but the purpose of this interview was not to offer any legal advice for any legal matter. However, if the participants had such problems, which require legal advice, I would try to assist by referring them to the appropriate legal source. The tape recorder was off during the discussion of such problems. Each participant was asked to read the Consent Form and given time to read it before the interview began. Each participant was required to sign two Consent Forms. I kept one copy and gave the other copy to the participant. In studies such as this one, confidentiality is always an issue. In order to maintain confidentiality and to protect their anonymity, each participant was allowed to pick their own pseudonym (no last names were used in the study). Additionally a numeric code was also assigned to each participant. The numeric code was the age of the participant and the order of their interview. I am the only person who can access the actual names and contact information of the participants.
Aside from demographic information, I was interested in hearing Black mothers narrate what it means to them to be independent, self sufficient, and working (terms highlighted by reform officials) under the new welfare reform system. Although questions were prepared as a guide, the interviews were unstructured and as informal as possible. In the interviews, by example, the mothers were asked an opening question such as: “What do you think about W-2?” Although the participant’s response may have prompted further inquiry, I would allow the participant to answer and react to their response by means of nonverbal and paralinguistic expressions of interest, such as “okay” or “mhm”. After which I then would ask my follow-up question or move on to the next topic of interest. I would refer to my list of questions at the end of the interview to make sure I had asked all of the questions on the sheet and end the interview asking for a general evaluation of W-2 and any recommendations for changes to the existing program. The interviews were one to two hours each. The length of interviews did not follow a rigid time structure, as a range of contextual narratives were encouraged in order to provide as much texture as possible.

I have provided the questions in the appendix. However, sample questions included:

Do you think the changes to welfare reform in Wisconsin have been a success? Why or Why not?

What do you think that women receiving welfare are most concerned about?

What kind of material hardships do you experience?

What changes have you had to make as a result of welfare reform?
Do you think that welfare reform addresses your economic, social, mental, and physical needs?

How do you assess economic/non-economic consequences of choosing work or W-2?

Explain in your own words, what does accountability/ self-sufficiency / dependency / opportunity / work mean to you?

Have you received any training from W-2?

Do you have permanent employment?

Can you evaluate the W-2 program? What do you think of the W-2 program? What if anything would you do to change it?

All of the interviews were digitally tape-recorded, with the express permission of each participant. In order to make sure I remembered a question I wanted to ask or note a specific answer, I would take some notes. However, my note-taking during the interviews was limited mostly to non-verbal cues that a tape recorder could not document. After the interview was over I sat in my car and took notes about my overall impression of the participant. I noted the physical environment, the people present in the house during the interview, my perception of the participant and any other phenomena I wanted to document. In addition, I took notes to help to authenticate my conclusions during data analysis by recording my personal beliefs about the interviewee (such as credibility). After all interviews were completed for a particular day, the digital recordings were reviewed in order to detect any specific themes. Such themes were noted and compared to previous day’s interview to see if additional themes were generated and consistent. Subsequently, the interviews were transcribed and again analyzed to locate major

themes within the narrative. After all interviews were transcribed, the narratives were again analyzed to determine if there were additional major themes generated. Once the major themes were generated, the data was analyzed to see if there was a relationship between the major themes, what that relationship was and how it related to the lived experiences of the participants. Through this process, the central theme emerged and a narrative was developed in order to highlight the theory produced by the narrative.

As an incentive to participate, participants were given the choice of a $10 gift certificate from Walgreens or Wal-Mart or $5 in cash. It was by pure chance that I gave out gift certificates to these particular stores. The reason I gave this option was to challenge certain conclusions which suggest that poor people, particularly black poor people, want immediate gratification. Based upon these studies I deduced that more people would want cash over the pre-determined gift certificates. However I was incorrect, more participants selected the gift card over cash. I bought the gift certificates immediately before the interview and therefore the certificate would be purchased from whichever store was closest to the location of the interview.

**Units of Analysis and Observation**

Since working-class Black mothers’ experiences represent the social life on which my research was focused, Black mothers or individuals were my units of analysis. Because my data was also coming from the Black mothers, they were also my units of observation. Generalizability refers to the extent that a study can inform the world about a group who has not or has rarely been studied. Generalizability has two characteristics, cross-population generalization and sample generalizations. It would be ideal if the results of my findings could be made generalizable beyond poor Black mothers. However, because I used a non-probability
sampling method, the findings most likely will not be generalizable to some “larger” population. Therefore this study could lack cross-population generalizability. In addition, while a sample size of thirty–fifty is considered a large sample size for a qualitative study, some may argue that this sample size is not large enough to be representative of mothers in general, and it would be suggested that my study also lacks sample generalizability. However, it is my opinion that the sample size here is representative enough that the findings could be generalized to black mothers on W – 2 in Milwaukee, Wisconsin. Nonetheless, for purpose of this study, it was more important to allow the lived experiences of the participants involved, to generate cognizable theory, than having their experiences represent others.

**Conceptualization**

This study deployed a collaborative (with participants) qualitative approach and therefore the concepts that ground this methodological framework were generated and defined once the interviews had been completed and the data had been analyzed. Prior to completing the data collection, some definitions were provided as provisional at best. I have included those definitions here also. Accordingly, the following definitions converge:

**Accountability:** an obligation or willingness to accept responsibility for actions, decisions, and/or choices.

**Culture of poverty:** a social theory used to explain intergenerational cycles of poverty. This theory suggests that the poor, or sub-groups within the poor, have a unique value or cultural system and in the case of intergenerational cycles of poverty; they exist because of culturally specific adaptations or pre-existing cultural behaviors that encourage or justify poverty and encourages cycles of dependency on aid.

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586 Creswell, *supra* note 541.
**Individualism**: the moral stance or political outlook that stresses personal independence and self-reliance. Individualists promote the exercise of personal choice while opposing most external interferences from a state or general society.

**Interdependency**: It is a dynamic of being mutually responsible to and sharing a common set of principles with others.

**Matriarchal (Matrifocal) family structure**: power within the family unit rests in the mother figure, while fathers are not dominant and usually absent from family life. This structure is seen as deviant in relation to a dominant male centered nuclear family unit most associated with “advanced” social formations.

**Paternalism**: stems from the hierarchical pattern of a family or governing body based on the authority of the father, but has been extended to refer to all situations where a figurehead, leadership apparatus, or powerful social group makes decisions on behalf of others, even if contrary to personal wishes. Paternalism takes on a directly gendered and raced meaning within welfare discourse as primarily women (of color) become the target of state decisions based on the belief that they don’t have the capacity to make the appropriate decisions.

**Paternalistic Essentialism**: within welfare discourse this concept presumes the specific characteristics or behaviors unique to the welfare poor and assumes that the embodiment of the welfare poor is one particular type of person in which the state will govern irrespective of multi-faceted personal choices. This essential being will represent all poor as the caricature no matter who the person is or what that person's particular circumstance may be. This portrait of the poor thus serves as justification for state or market actors to make decisions on behalf of the poor directly in opposition to their personal wishes.

**Welfare**: governmental provision of economic or other resource assistance to persons in need.

**Welfare queen**: a popular representation generated in the 1960s and made most popular in the 1980s. It is a pejorative term used to describe the typical welfare recipient by linking the characteristics of laziness, promiscuity, manipulation, and fraud to a raced and gendered stereotype.

**Welfare racism**: refers to the racist organization of public assistance attitudes, policy making and administrative practices and highlights the impact of institutionalized racism on social welfare policy and programs in American culture.
**Workfare:** a program in which recipients are required to perform public-service work or participate in work rehabilitation programs instead of or as a condition for receiving public aid.

**Work First Principle:** a public assistance approach that enforces time limits on aid, a primary employment requirement, and skill building instruction. This approach focuses on the acquisition of any job over the quality of job or even educational and skill-building pursuits.

**Working Poor Mothers:** mothers who are employed, but whose wages still place them below the poverty line.

In addition, because qualitative research studies gather and process data inductively or have an “emic focus,” determining what particular concepts mean and determining how they will be measured occurred after the data has been collected and reviewed. Once the interviews were completed, I reviewed the data and identified important concepts. In this study, the meanings of these concepts were determined by how the participants have discussed the concepts during the interview. While I imagine some of the narrative will have to be interpreted, my goal was to let as much of the text as possible “speak for itself.”

**Concerns about Methodology**

**Strengths and weaknesses.**

I think my method is most appropriate, since the goal of this study was to use intensive interviews in order to explore how Black mothers navigate their social environment and provide a description of how they understand their world after welfare. There were two central concerns with this study: Can this study be generalized in terms of women of other races? Can this study be generalized to other women outside of urban Milwaukee? My sampling methods and sample size prohibit any real generalizability to women of other races because the selected sample is purposely limited to Black women and not comparative in terms of other races. For the same
reasons, this study also may not be generalized to comment on the conditions of women outside the urban population. However, a few key facts about Wisconsin will reveal why these conditions will not pose any potential problem. First, Wisconsin’s W-2 policies served as the model test case through which to reproduce workfare in other states and therefore the structure and conditions of Wisconsin’s program were generalized through policy implementation. Second, the city of Milwaukee has the largest number of W-2 recipients and the largest number of Black recipients in the state of Wisconsin. In 2000, there were over 5,000,000 residents living in Wisconsin, of which approximately 304,000 were Black and 231,000 lived in Milwaukee.\(^{587}\)

Moreover, in 2000 there were a total calendar year average of 10,911 W-2 recipients in the state of Wisconsin, with 8,483 from Milwaukee.\(^{588}\) In the State of Wisconsin, W-2 is an urban reality and these particular conditions give structure to the policy that is ultimately being reproduced in other states. In the case of Wisconsin, it is the myths and realities of black women that have been central to W-2 policy construction, implementation, and any possible reform. Therefore, the goal of this study was to determine the meaning Black mothers gave to their lives and actions while navigating W-2. Hence any perceived weakness mentioned above did not cause a problem when fulfilling the particular goals of this study let alone restrict an assessment of its broader implications.

Perhaps I could have deployed a participant observation approach instead of just conducting single meetings. I could have developed better rapport with the mothers by locating my own subject position as a participant within the larger study. Beyond just having subjects in an interview setting, participant observation might allow me to contextualize the insights and

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\(^{588}\) Wisconsin Department of Workforce Development, [http://www.dwd.state.wi.us/dws/rsdata/docs/w2_total_caseload_cy00.xls](http://www.dwd.state.wi.us/dws/rsdata/docs/w2_total_caseload_cy00.xls) (accessed May 10, 2007).
observations of the participant within their everyday experiences. However, with participant observation there is a presumption that the researcher has immersed themselves in the community and therefore can speak on behalf of that community. In making the claim that the researcher speaks on behalf of the community we lose sight of the interpretive imposition of the researcher on the data. My research aims are forthrightly transparent. I am not claiming to speak on behalf of these women nor am I saying that these women (the data) will offer a fully developed critique of W-2. It is in the act of conducting interviews, at the point of engaging in dialogue with these women where we will collaboratively generate an evaluation of welfare policy and implementation.

Other types of methods were not suitable for this type of study. First, experiments would not be appropriate because they employ a deductive reasoning approach used for testing causal relationships. Perhaps, survey research could be used if I wanted to test more nomothetic causal relationships. However, here I am interested in revealing idiographic causal relationships, to gain in-depth knowledge about complex feelings and attitudes Black mothers have about welfare reform in Milwaukee. In addition, in-depth interviews allowed me to ask open-ended questions, get explanations to answers, and ask follow-up questions that surveys would not. Lastly, comparative or historical methods were not appropriate because I am not interested in doing comparisons across populations. The goal of this study was to focus on one group of mothers and therefore, comparative/historical methods would not have been useful.

**Ethical considerations.**

The biggest ethical concern for my study was how to maintain confidentiality. While participants picked a fictitious name, their true identity would still be recorded and in my capacity as a researcher, the law does not recognize these interviews as privileged
communications. The participants were informed that I am a lawyer and if it appears that information was being offered during the interview that could pose legal problems for them, I stopped the recording. In addition, I explained to the participant that I was not actively practicing law and was not offering legal advice. However, I also explained what it could mean for them if the interview were to continue and when necessary, provided them with a list of legal resources. Before the interview continued, each participant was allowed to choose to continue or terminate the interview. All of the participants chose to continue the interviews.

Data Analysis

As stated above, a Quasi-grounded theory approach requires that data analysis be conducted during the data collection period in order to openly code themes which have been generated by the interviews. During this process I analyzed the data by focusing on the narratives of the participants and tried to classify the narratives into general patterns of common observations and evaluations of the program. During this process I tried to note every possible theme prevalent in the interview. After all of the interviews had been openly coded, they were re-analyzed in order to group them in clusters or patterns of similar response and highlight specific observations through direct quotations. It was during this process that I moved from opening coding to axial coding. I started to go through the interviews to locate themes that appeared more often. I tried to connect the themes to roughly seven or eight clusters of thoughts. In order to do this, I listened and transcribed the recorded interviews, reviewed any notes and started to piece together and document the stories that the participants were narrating. Axial coding also allowed me to organize the narratives by key concepts and connect my notes with the
taped interviews in order to recount more detailed descriptions of what was observed and why that observation was important.

Lastly, by focusing on the seven or eight themes presented from the narratives, I begin to visualize the larger story about the experiences of women on W-2. These stories were placed alongside of the arguments that have been made by the experts in order to centralize the voices of the participants. The purpose of this study was to give a better understanding of how welfare reform has affected the lives of Black mothers as well as to develop a better understanding of black mothers’ experiences as concrete theory.

_**Role as a Researcher**_

My role as a researcher in this setting was to listen to the narratives of the Black mothers, share limited experiences of my life, and be very attentive so that I could ask necessary follow-up questions.

**CONCLUSION**

My project offers a new point of focus. It suggests that in the production of policy, Black women should no longer be the objects, but rather the subjects of policy development and even reform. Their voices, opinions and everyday negotiations of the labor market and community life should serve as a foundation for any social welfare policy development that affects their lives. This kind of work reveals to me that Black women and women in general, continue to be marginalized when it comes to the real impact of welfare reform. While gender issues can contribute to some problems Black women face, racialized notions of who is “undeserving”—linked to a set of qualities presumably specific to being poor and Black—continue to permeate
the lived realities of Black mothers and are reinforced through punitive welfare reform decisions. In the end, there is no question that we must fully acknowledge and incorporate the strategies of previous social movements actors who have taken into account the voices and interests of welfare mothers in attempting to construct a more humane social policy. But at the same time we must emphasize the degree to which “voices from below” are currently not being taken into account or how the vision of these voices are being neutralized by state actors. The case of Wisconsin is the perfect example of this, especially as this state’s policies are being reproduced as the national blueprint for welfare reform.

All in all, what really matters is where will the focus of the next research question be, who will ask the questions and definitely, who will provide the answers to those questions. My focus is on Black mothers and I want to hear their stories about what life is like under welfare reform in Milwaukee. While people may not want to listen to just another story about the Black poor, it is important to continue to tell their story as affirmation that another system of knowledge exists. Whether or not one listens, these experiences are real and they deserve documentation. And when people are ready to listen, these women or at least their stories will be there. Moreover scholarship is most relevant when driven by the telling of important truths, narratives that shatter the conspiracy of silence on women’s lives. The next chapter will offer a close reading of the Wisconsin Works policy manual. This reading provides a window into better understanding the basic infrastructure of the welfare reform initiative that became the national model.
CHAPTER 4

“WELFARE MOTHERS GET EVERYTHING”?: BEYOND THE MYTH OF DEPENDENCY IN WISCONSIN’S WELFARE REFORM INITIATIVE

“W-2 means the end of the automatic welfare check. We believe that everyone is capable of some level of work, and W-2 will help participants move directly into work at the earliest possible time. This comprehensive replacement for welfare will demand more of participants, but in the long run it will provide independence and a future.”

Governor Tommy Thompson589

INTRODUCTION

Everyone has a particular idea about what it means to live the American Dream and engage in hard work. Most notably immigrants who come to this country are aware of the reported link between hard work and this elusive dream. In fact, an immigrant woman from Portugal and I were having a conversation about my project. Before I could tell her the details, she wanted to educate me on the status of welfare mothers today. It was her opinion that “we all need to work, even mothers on welfare, especially mothers on welfare.” She continued, “those of us who do work, we have to pay for everything, we have higher taxes, we have to pay more for food, more for child care, just more for everything. But not welfare mothers, they got it made, they get everything, all the money, all the jobs and all the benefits.” In some ways it is amazing that this immigrant woman is beholden to the mythic ethos of the American dream, given that her family owns hundreds of acres of land back in her native country, while here in American she labors as a cafeteria worker at a prestigious university. Clearly for her, there has

not been an easy equation between hard work and seizure of the American dream. In fact, her story tells a tale of a downward spiral; where in her native country she is a part of the elite, while here she is a member of the working poor. Yet, even she still concludes that welfare mothers are lazy and “get everything.” But knowing this woman’s background and how she still clings to the mythos of the American Dream speaks precisely to the seductive nature of the welfare mother as an “other”, a social outcast, the repository for the demons of laziness, dependency and unworthy entitlement. While many perceive the welfare mother as “getting everything”, she in fact is “everything”, everything that we don’t want to be. She assuages our fears that hard work may not generate upward mobility or success. It is precisely this demonization process that has driven the workfare initiatives in ways that allow us (the readers) like this immigrant women, to not have to grapple with the social economic struggles that we share with welfare mothers, the trap doors we navigate and the various ceilings that we also attempt to break.

The Wisconsin Department of Workforce Development, the agency charged with running the W-2 program has as its mission “to help people find success in employment.” But what is success in employment? Does it mean simply being employed? Or does success also include a sustainable life that includes a living wage, health benefits and child care? This chapter will provide a brief description of the W-2 program and its current regulation.

**Ending Welfare As We Know It: A Brief Description of Wisconsin Works**

On April 25, 1996 then Governor Tommy Thompson signed into law what would be known cleverly as W-2 (after the federal income tax form). With the establishment of this law, the notion that the poor were entitled to social aid was radically altered and now work

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590 On July 1, 2008, the agency housing the TANF and W-2 programs changed names from Wisconsin Department of Workforce Development to Department of Children and Families.

became the primary focus for welfare policy. In fact, Gov. Thompson outlined eight principle goals and philosophies driving the creation of the program, among the eight, work first leading the charge.

Under a work first approach, W-2’s mission was to give back responsibility to parents to care for their dependent children. Therefore unlike AFDC, W-2 would require all participants who could work to find immediate employment. Additionally, for individuals who had barriers to employment, W-2 would assist these individuals with appropriate employment within their capabilities. Poor families would no longer be entitled to receive cash benefits but instead “rewarded” for behavior which reflects independence and self-sufficiency. In order to further this goal, participants would be encouraged to “make it on their own” and only those services which the participant asked for, if within the purview of the program, would be provided. In fact, W-2’s administration believed that “many [participants] will do better with just a light touch.” Lastly, as W-2 established its framework for evaluating the objectives of self-sufficiency and independence, it relied on the cost-benefit ethos of marketplace logic to set the terms of the program and worker performance success.

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592 Ibid.
593 1. Work Not Welfare. “For those who can work, only work should pay.” 2. Personal Responsibility. “W-2 assumes everybody is able to work, or, if not, at least capable of making a contribution to society through work activity within their abilities.” 3. Strong Families. “Families are society’s way of nurturing and protecting children, and all policies must be judged in light of how well these policies strengthen the responsibility of both parents to care for their children.” 4. Value of Work. “The benchmark for determining the new system’s fairness is by comparison with low-income families who work for a living, not by comparison with those receiving various government benefit packages.” 5. Independence and Self-Sufficiency. “There is no entitlement. The W-2 reward system is designed to reinforce behavior that leads to independence and self-sufficiency.” 6. Community Support. “Individuals are part of various communities of people and places. W-2 operates to enhance the way communities support individual efforts to achieve self-sufficiency.” 7. Minimal Necessary Services. “The W-2 system provides only as much service as an eligible individual asks for or needs. Many individuals will do much better with just a light touch.” 8. Managed Competition for Delivering Services. “W-2’s objectives are best achieved by working with the most effective providers and by relying on market and performance mechanisms.” Wisconsin Department of Workforce Development, Wisconsin Works: Philosophy and Goals, http://www.dwd.state.wi.us/dsw2/philosop.htm (accessed April 1, 2008).
**Privatization**

The Wisconsin Department of Workforce Development (DWD), established almost simultaneously, oversees W-2. DWD contracts with county social service agencies and private agencies in order to provide a “one-stop shopping” Job Center for employment and job training services. The purpose of these Job Centers is to provide a “single, comprehensive employment and training system” for both W-2 participants as well as all others “to shop” for employers. The Job Centers provide the initial determination of eligibility for W-2 assistance. Other services available include general employment-related services such as a job search, Food Stamps, Medical Assistance, Child Care Assistance, Emergency Assistance, Energy Assistance for low income, transportation services, Job Access loans, education and training service and other needed additional counseling services, such as substance abuse. During the reign of AFDC, counties within the state of Wisconsin were charged with the responsibility of administering the state’s assistance programs. With the emergence of the new legislation, the state facilitated a system of privatization where counties in fact became subcontractors who had to engage in competitive bidding practices in order to secure a market share of welfare administration. It is important to note that the W-2 legislation does authorize agencies to be selected through a non-competitive process and it is by choice that Wisconsin has selected agencies based on Request For Proposals (RFP). Milwaukee County Department of Human Services did not submit a RFP and therefore this agency does not administer the W-2 program in

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595 On July 1, 2008, the agency housing the TANF and W-2 programs changed names from Wisconsin Department of Workforce Development to Department of Children and Families.


597 Ibid.

598 Ibid.; See also, W-2 Manual, supra note 596 at Chapter 18.

Milwaukee County. Instead Milwaukee County’s W-2 program was initially administered by five private agencies who set up “one-stop shopping” Job Centers: YW Works, The United Migrant Opportunity Service (UMOS), The Opportunities Industrialization Center of Greater Milwaukee (OIC), Employment Solutions of Milwaukee and Maximus Corporation.\textsuperscript{600} Each agency manages a particular geographic area and is responsible for providing all the W-2 participants in that area. W-2 agencies are located in the same building as county workers in order to allow participants to apply not only for W-2 services, but also apply for food stamps and Medicaid if such services are needed.

\textsuperscript{600} W-2 Manual, \textit{supra} note 596 at Appendix C.
Figure 4.1. Comprehensive Job Centers and Access Points of Service Locations in Wisconsin’s 11 Workforce Development Areas. (W-2 Manual, supra note 595 at Appendix C).
Policies

Eligibility (non-financial criteria).

W-2 is not an entitlement program. Thus, everyone who is poor is not eligible for W-2 services. There are certain financial and non-financial limitations on eligibility. The FEP worker will first determine if the applicant meets the non-financial criteria for eligibility. In order to be eligible a person must be a parent over the age of eighteen years with a dependent child in their custody. While there is no set residency requirement, a person must at the time of the application be a resident of Wisconsin and a legal resident or alien of the country. However, included within this category are custodial parents and non-custodial parents, pregnant mothers and teen parents. Both married and single custodial parents are eligible if they meet the non-financial limits outlined above. However, when a married family participates, while both parents will be required to work (up to 55 hours) if they are also receiving child care subsidies, only one parent will receive the cash benefit. Additionally, pregnant mothers, upon birth of their child, could receive temporary benefits. Additionally, an applicant must cooperate with the W-2 agency in establishing paternity of the dependent child and seeking child support payments. When paternity has been established, the W-2 agency will also allow non-custodial parents who have a court order to pay child support to the custodial parent to access some of the services offered by the Job Centers. Such services will include unpaid community service

601 Thompson, supra note 594.
603 Ibid. at Chapter 2:2.
604 Ibid. at Chapter 2:3-4.
605 Ibid. at Chapter 1:3.
606 Ibid. at Chapter 2:8.
607 Thompson, supra note 594 at 6; W-2 Manual, supra note 596 at Chapter 1:3.
609 Ibid. at Chapter 1:3.
jobs and work readiness training. Teenage parents are allowed limited access to W-2 services. In some cases the income (includes parent’s income) of the minor parent may exceed the maximum limits and place the teen parent outside of eligibility. However all teenage parents will have access to a Financial and Employment Planner (FEP). Prior to receiving benefits, an applicant must make every effort to seek employment and refrain from striking once employment has been obtained. An applicant is automatically ineligible if they are a fugitive felon or have violated the conditions of probation or parole. Additionally, all applicants must disclose all prior felony drug convictions.

**Eligibility (financial criteria).**

Once the FEP worker has made a preliminary determination that an applicant meets the non-financial requirements an assessment of all income and assets will be considered. In order to be considered for eligibility an applicant must not have an income that exceeds one hundred and fifteen percent above the state established poverty line. Applicants also can not have any assets in excess of $2500. Individuals who are receiving Social Security Insurance (SSI) or Social Security Disability Insurance (SSDI) are not eligible for W-2 even if they meet both the financial and non-financial criteria.

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616 Thompson, *supra* note 594 at 6.

<table>
<thead>
<tr>
<th>Size of the Family</th>
<th>Federal Poverty Level Monthly at 115% ($)</th>
<th>Federal Poverty Level Yearly at 115% ($)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>997</td>
<td>11,960</td>
</tr>
<tr>
<td>2</td>
<td>1,342</td>
<td>16,100</td>
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<tr>
<td>3</td>
<td>1,687</td>
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<tr>
<td>9</td>
<td>3,757</td>
<td>45,080</td>
</tr>
</tbody>
</table>

Once it has been determined that the applicant has met both the non-financial and financial criteria, the FEP will have to determine which employment placement level is most appropriate. In order to determine which placement will move the participant to unsubsidized employment the quickest, the FEP will look at the work history, education, abilities and limitations (barriers).⁶¹⁸

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Financial and Employment Planner

While there are certainly more individuals involved in the process towards self-sufficiency, the caseloads for W-2 are managed by Financial and Employment Planners (FEP). A FEP is a public employee and W-2 advisor, similar to an AFDC case worker, whose responsibility is to make sure each participant under their responsibility reaches their “maximum degree of self-sufficiency.” In fact, the creation of the FEP position was to merge the AFDC case worker position with the case manager of the Job Opportunities and Basic Skills program (JOBS). The primary responsibility of the FEP worker is to determine if an individual is eligible to receive services and if so, which level of placement is appropriate. The FEP worker will meet with an applicant within five days after the application for W-2 benefits has been submitted. After this meeting, the FEP worker has seven days to verify the information on the application and place the participant in the appropriate placement level. Placement on the employment ladder is at the discretion of the FEP. During the verification process, an applicant who has been preliminary deemed “job ready” may be required to participate in an unpaid job search activity as a condition of eligibility. If an applicant is not “job ready”, an unpaid job search activity is not an appropriate condition of eligibility. When an applicant is assigned to conduct a job search, this activity may be conducted with a group or in a one-on-one job search setting. During the job search activity, the applicant will be introduced to job readiness/Motivational Activities, employment counseling, training on how to search for

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619 See, Figure 4.2, infra.
620 Thompson, supra note 594 at 8.
621 W-2 Manual, supra note 596 at Chapter 1:11.
622 Ibid. at Chapter 1:12.
623 Ibid. at Chapter 4:7.
624 Ibid.
625 Ibid. at Chapter 5:2.
626 Ibid. at Chapter 5:3.
627 Ibid. at Chapter 5:4.
employment, training on what is expected by the employer in order to keep the job, and other life skills training. The purpose of the job search activity is to assist an applicant with a successful job search.

Additionally, a FEP has the responsibility to determine if a person is also eligible for food stamps, medical care, day care services, and Job Access loans. In order to assist the participant with a transition into unsubsidized employment, FEP workers will also create a workable Employability Plan (EP). An EP is an individualized contract created collaboratively with the participant and FEP worker to determine what is the best way to achieve unsubsidized employment as soon as possible. It has three sections: (A) Participant Employment and Related Goals, (B) Participants Personal Goals and (C) Participant Program Activity Plan.

In the section entitled the Participant Employment and Related Goals, the participant is encouraged to include which goals they believe can be realistically achieved while they are participating in the W-2 program. Additionally, participants are also asked to include any other employment goals they would like to achieve. Participants Personal Goals section is developed in order to assist the participant in meeting their employment goals. In this section the participant will outline long and short term personal goals, such as obtaining a General Education Development degree (GED). The last section of the EP lists all activities which W-2 will require in order for the participant to remain eligible. These activities are not just

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628 Ibid. at Chapter 5:5-6.
629 Ibid. at Chapter 5:4.
630 Ibid. at Chapter 1:12.
631 Ibid. at Chapter 6:1.
632 Ibid. at Chapter 6:1-2.
633 Ibid. at Chapter 6:1.
634 Ibid. at Chapter 6:2.
635 Ibid.
limited to the assignments from the employment placement, but may also include other activities such as attending parent counseling classes.

Therefore, the EP will include the employment and personal goals of the participant and also informs the participant of their required activities.\(^{636}\) Since the EP is a goal-setting document, the FEP is required to watch closely and make revisions which are deemed appropriate.\(^{637}\) EPs are reviewed and updated every six months.\(^ {638}\) In order to supplement the EP, the participant will also be given a Test for Adult Basic education.\(^ {639}\) This test is designed to determine the participant’s highest level of education.\(^ {640}\) With information provided by the applicant and the developed EP arrangement, the FEP worker will choose the most appropriate employment placement based upon work history, education, and special skills or abilities.\(^ {641}\)

If the participant is also in need of additional social services, the FEP will make appropriate recommendations for food pantries, counseling services, including mental health, drug and alcohol or domestic abuse, educational services and child welfare agencies.\(^ {642}\) The FEP worker will continue to manage the participant’s case while the participant is receiving any benefits.\(^ {643}\) Once an individual has reached the top ladder of employment and is working in unsubsidized employment, the FEP worker will monitor the participant’s progress for six months and provide any follow-up services which may be needed.\(^ {644}\)

\(^{636}\) Ibid. at Chapter 6:1.  
\(^{637}\) Ibid. at Chapter 1:12.  
\(^{638}\) Ibid. at Chapter 4:7.  
\(^{639}\) Ibid. at Chapter 8:1.  
\(^{640}\) Ibid.  
\(^{641}\) Ibid. at Chapter 1:12.  
\(^{642}\) Ibid. at Chapter 1:13.  
\(^{643}\) Ibid. at Chapter 1:11.  
\(^{644}\) Ibid. at Chapter 1:13.
Figure 4.2. W-2 participation and access to services (adapted from W-2 Manual, 2008: Chapter 1:17).

*Resource Specialist prescreens applicants to determine if W-2 can offer assistance.

**Must be a public employment to assist with certain services.
Employment Ladder

The goal of W-2 is to assist individuals in finding employment. Unlike its predecessor, if an applicant is eligible for W-2 services, the applicant will be placed into one of four “self-sufficiency” placement areas. The goal of W-2 is to move each participant up the self-sufficiency ladder until they are no longer receiving subsidized employment.\(^{645}\) Therefore, the first and most desirable placement is unsubsidized employment.\(^{646}\) All W-2 applicants will be considered for this placement area.\(^{647}\) At this level, a participant is considered “job ready” and will receive services geared toward attaining employment. This level places an emphasis on work first and would decline any opportunity for advancement based upon extended education or training opportunities in lieu of employment available.\(^{648}\) Before a participant is placed into unsubsidized employment, the FEP must explicitly state in writing the reasons for the placement.\(^{649}\) If an individual is placed in an unsubsidized employment position, the participant is not eligible for cash assistance. In most cases, a participant who does not obtain employment within thirty days will be re-assessed and placed in a lower employment level.\(^{650}\)

The next placement area is Trial Jobs or subsidized employment.\(^{651}\) In this placement, a participant is given a temporary job earning at least the minimum wage in order to gain work experience and training.\(^{652}\) Participants are paid by the employer.\(^{653}\) This particular placement is beneficial to the employer because the employer receives a bonus fee per month from the state

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\(^{645}\) Thompson, *supra* note 594 at 7; W-2 Manual, *supra* note 596 at Chapter 1:2.


\(^{647}\) Ibid. at Chapter 7:1.

\(^{648}\) Ibid. at Chapter 7:2.

\(^{649}\) Thompson, *supra* note 594 at 6.

\(^{650}\) Ibid. at Chapter 7:2.

\(^{651}\) Thompson, *supra* note 594 at 6.


for every W-2 participant in the Trial Job placement. The employer may use the fee at their discretion. Ideally, after the Trial job has been completed, the employer can hire the participant on a permanent basis. In fact, the employer must make a good faith effort to hire the participant after the three to six month period has ended. In this placement level, a participant may have up to eight different trial jobs.

The third placement level is called Community Service Jobs (CSJ). A CSJ is an appropriate placement for an individual who has not developed the skills and abilities necessary to maintain employment. In this placement, participants work at various non-profit or volunteer organizations around the city in order to gain work experience and training. While participants are placed in different community service jobs which each require varying degrees of skill development and task output, all participants will receive a flat cash payment of $673. CSJs may consist of a number of employment opportunities including government, charitable and private non-charitable opportunities. It is also important to note here, that if an individual is in immediate need of financial assistance a participant can be placed in a CSJ on a temporary basis and receive $673 while they look for employment. Additionally a participant placed in this level may also be assigned certain other activities designed to increase training or education. Such additional activities may include classes towards obtaining a GED, basic adult higher education courses, training for employment, and English-as-a-Second Language

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656 Thompson, supra note 594 at 10.
657 W-2 Manual, supra note 596 at Chapter 7:8.
658 Ibid. at Chapter 7:5.
659 Ibid. at Chapter 7:10.
660 Thompson, supra note 594 at 6; W-2 Manual, supra note 596 at Chapter 7:18.
661 W-2 Manual, supra note 596 at Chapter 7:12.
662 Thompson, supra note 594 at 8.
663 W-2 Manual, supra note 596 at Chapter 7:12.
(ESL) classes. Participants who are unable to get a job without additional education may also attend technical community colleges for up to two years as acceptable CSJ activities. However it is important to note that W-2 program stresses minimal educational attainment until the participant has succeeded in reaching self-sufficiency in the workforce arena and therefore attending school in lieu of employment is at the discretion of the FEP. Additionally, the participant would still be required to work a CSJ for twenty-five hours per week and attend ten hours per week of class activities.

The goal of the Community Service Jobs placement is to give the participant enough training to eventually place them in some sort of unsubsidized employment in the private employment sector. Most individuals placed at this level have never been employed and therefore lack the necessary work habits and skills to compete in the private workforce arena. Hence, CSJs are designed to mirror private employment opportunities. CSJs are designed to teach life skills to the previously unemployed and therefore participants will be taught “valuable work habits and socialization skills which employers require from their workers.” Participants will be taught reliability, work ethic, as well as how to be a team player. Each CSJ will have slots set aside for W-2 participants and will not replace existing employees.

The last type of job placement area is called W-2 Transitions (W-2T). In this subsidized placement, participants with significant barriers to both private and community service

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664 Ibid. at Chapter 7:17.
665 Ibid.
666 Ibid. at Chapter 8:1, 6.
667 Ibid. at Chapter 8:8.
668 Thompson, supra note 594 at 6.
669 Ibid. at 10.
670 Ibid.
671 Ibid.
employment can earn up to $628 dollars for work performance.672 While it is the FEP worker who initially determines eligibility, a participant in this level must also be assessed by the state’s Division of Vocational Rehabilitation.673 Most participants in this placement level are not considered “job ready” and may have disabilities relating to physical, mental, or cognitive limitations, drug dependency issues or learning disabilities.674 Additionally, participants in this category may have the primary responsibility to care for a dependent who is disabled.675 Regardless of the specific barrier, participants are given suitable employment or other employment-type activity in order to transition into less structured, yet mainstream employment positions.676 Additionally, mothers who have just giving birth (Custodial parent of an infant (CMC)) may be placed in a transition level, but are not initially required to work for the first three months.677 As outlined above, participants can receive some sort of cash benefit in three of the four placement areas.

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672 Thompson, supra note 594 at 7; W-2 Manual, supra note 596 at Chapter 7:23.
673 Thompson, supra note 594 at 11.
674 W-2 Manual, supra note 596 at Chapter 7:19.
675 Ibid. at Chapter 7:20.
676 Thompson, supra note 594 at 7.
Table 4.2. W-2 placement levels.

<table>
<thead>
<tr>
<th>Placement Level</th>
<th>Benefits</th>
<th>Requirements</th>
<th>Time Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unsubsidized Employment</strong></td>
<td>Minimum wage (payment made by employer) Food Stamps Badger Care Earned Income Tax Credit</td>
<td>Participant must work 40 hours per week&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;Sanction: None-can terminate by either party for any reason</td>
<td>None</td>
</tr>
<tr>
<td><strong>Trial Jobs</strong></td>
<td>Minimum wage (payment made by the employer - $300 wage support to employer) Food Stamps Badger Care Earned Income Tax Credit</td>
<td>Participants must work 40 hours per week&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;Sanction: None-can terminate by either party for any reason</td>
<td>Three – Six months per job opportunity&lt;br&gt;24 month Maximum placement at this level</td>
</tr>
<tr>
<td><strong>Community Service Jobs</strong></td>
<td>$673 cash subsidy per month Food Stamps Badger Care</td>
<td>Participants must work 30 hours per week at CSJ&lt;br&gt;Participants must attend 10 hours in other activities&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;Sanction: $5.15 per hour without good cause</td>
<td>Six – nine month per CSJ&lt;br&gt;24 month Maximum placement at this level</td>
</tr>
<tr>
<td><strong>W-2 Transition</strong></td>
<td>$628 cash subsidy per month Food Stamps Badger Care</td>
<td>Participants must work 28 hours per week (appropriate activity level)&lt;br&gt;Participant must attend 12 hours in other activities&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;&lt;br&gt;Sanction: $5.15 per hour without good cause</td>
<td>24 month Maximum placement at this level.&lt;br&gt;Unlimited Extensions granted on a case by case basis</td>
</tr>
</tbody>
</table>
Benefits

Any person who applies for assistance from W-2 will receive a brochure which outlines all services which the agency can provide.678 The main focus of the W-2 program is to move all participants into a “job ready” category and assist these individuals with employment. W-2 requires all who are able, to work. However, parents under the age of eighteen years are not required to work until they have completed high school or its equivalency.679 Additionally, participants who are above the age of eighteen years may attend various skill building and educational sessions to improve their work readiness.680 In fact, in addition to allowing participants to attend up to two years of community college, the W-2 agencies will also coordinate training classes ending in occupational certificate degrees in areas such as office software, keyboard and data entry, small business development, child care, hospitality, food preparation and certified nursing assistants.681 Once an application has been completed, a FEP has twelve business days to make a determination of eligibility and employment placement.682

Towards that end, in addition to the cash benefits outlined above, participants in some cases may qualify for “job access loans.”683 Job Access loans are issued at the discretion of the FEP.684 A job access loan is a small loan that can be used by an individual for job-related expenses.685 The amount of the loan cannot exceed $1600.686 These loans may be used for work related expenses such as uniforms, transportation, and rent if an eviction is imminent.687 The unique feature about these loans is that an individual who receives a job access loan can repay

679 Thompson, supra note 594 at 12.
680 Ibid. at 13.
682 Ibid. at Chapter 1: 11.
683 Thompson, supra note 594 at 8.
685 Ibid.
686 Ibid. at Chapter 13:3.
687 Ibid. at Chapter 13:2.
the loan by completing volunteer work.\textsuperscript{688} However, a participant must pay at least twenty-five percent of the job access loan even if the participant is opting to do volunteer work as a condition of repayment.\textsuperscript{689}

\textit{Time Limits}

There are several features of W-2 that sets Wisconsin’s welfare reform off from many other states’ welfare reform. One of the key changes within welfare reform at both the state and federal level was the implementation of time limits. The federal government has mandated that no person can receive cash assistance for longer than five years. While Wisconsin also has adopted the sixty month time limit,\textsuperscript{690} a W-2 participant may participate in any of the four placement area for up to twenty-four months. It is the cumulative number of months and not necessarily consecutive months which are added together to determine time limits.\textsuperscript{691} The “clock” begins to tick on the day that a participant has been assigned in the placement level.\textsuperscript{692} W-2 participants who have been placed in the unsubsidized employment level are not subject to maximum time use restrictions.\textsuperscript{693} Additionally, residents who have utilized Temporary Aid to Needy Families (TANF) services in other states must report the number of months used.\textsuperscript{694} These months will also be counted toward the sixty month time limit.\textsuperscript{695} Time limits will not count against participants who return payments or if an employer in a Trial Job refuses the bonus subsidy.\textsuperscript{696}

\begin{footnotes}
\item[688] Thompson, supra note 594 at 8.
\item[690] Ibid. at Chapter 2:9.
\item[691] Ibid. at Chapter 2:10.
\item[692] Ibid. at Chapter 4:7.
\item[693] Ibid. at Chapter 7:1.
\item[694] Ibid. at Chapter 2:21.
\item[695] Ibid. at Chapter 2:10.
\item[696] Ibid. at Chapter 2:13.
\end{footnotes}
There are many ways in which time limits can be extended. If a person is placed in one level and then moves to another level, the time limit is extended in that new placement area by twenty-four months. If the local economy does not support the new wage earners into the market, the time limit may be extended at the discretion of the FEP.\textsuperscript{697} Participants placed in W2-T positions may also receive extensions of the time limits if their specific disabilities prevent them from progressing through the placement levels.\textsuperscript{698} Additionally, a participant may be granted an extension at the discretion of the FEP based upon a hardship request.

\textit{Penalties}

\textbf{Hourly sanctions.}

Another significant feature of the W-2 program is the sanction policy for non-compliance or committing fraud.\textsuperscript{699} Participants who have been placed in the Community Service Jobs (CSJ) or the Transitional Placements (W-2T) will lose $5.15 for every hour of non-compliance.\textsuperscript{700} Non-compliance includes failing to go to the employment site or for skill training without a “good cause.” A participant can only be sanctioned when he or she fails to comply with required activities listed in the Participant Program Activity Plan on the EP.\textsuperscript{701}

\textbf{Three strikes rule.}

W-2 operates on a strike system (similar to the criminal justice system).\textsuperscript{702} If a participant refuses employment, that participant will earn a strike. If on three separate occasions, the participant refuses employment, they will earn three strikes. Once three strikes have been

\textsuperscript{697} Ibid. at Chapter 2:14.  
\textsuperscript{698} Ibid. at Chapter 2:14.  
\textsuperscript{699} Ibid. at Chapter 11:1.  
\textsuperscript{700} Ibid. at Chapter 7:18, 11:1.  
\textsuperscript{701} Ibid. at Chapter 6:2.  
\textsuperscript{702} Ibid. at Chapter 11:1.
earned, a person is ineligible for any W-2 services for their natural life in that particular placement area.\textsuperscript{703} By example, if a participant has been placed in a CSJ position and has refused employment or activity assignment on three separate occasions, the participant will be barred from services in the CSJ placement level for a lifetime. However, if eligible, a participant who has earned three strikes in the CSJ could be placed in the W-2T placement area.\textsuperscript{704}

When the participant is part of a married family and both parents are required to work, no monetary sanctions are imposed if the non-applicant parent refuses to comply with the terms of W-2. However, the “three strikes rule” also will affect married couples when the non-applicant parent fails to participate. In order to determine when the “three strikes rule” comes into play when a married couple is receiving W-2, a FEP will add up all strikes between both parents and if the sum is three, the applicant parent will be banned from using W-2 services.\textsuperscript{705}

A FEP may determine that a participant has failed to comply or has refused employment if the participant indicates explicitly in writing or implicitly by actions or words that they will not participate in the assigned activity, is absent from an assigned activity or fails to appear for an interview, leaves an assigned activity or employment location without permission, refuses to accept an offer of employment, or is fired for cause.\textsuperscript{706} An accumulation of hourly sanctions will not result in a strike.\textsuperscript{707}

**Fraud convictions.**

If a participant “knowingly and willfully making or causing to be made any false statement or representation of material fact in any application for benefits or payments with

\textsuperscript{703} Ibid.
\textsuperscript{704} Ibid.
\textsuperscript{705} Ibid. at Chapter 2:9, 11:2.
\textsuperscript{706} Ibid. at Chapter 11:1.
\textsuperscript{707} Ibid. at Chapter 11:2.
respect to his or her identity or place of residence for the purpose of receiving simultaneously from this state and at least one other state assistance funded by TANF… medical assistance, food stamps and Social Security Income (SSI)” the participant has committed an Intentional Program violation (IPV) as defined by the W-2 agency.\textsuperscript{708} If it has been determined that a participant has committed fraud, the participant will not be able to receive W-2 services for ten years. A determination of fraud must have been made by a federal or state court. Similar to the strike rule for non-compliance, if a participant receives three IPVs, the participant will be barred from receiving W-2 services and benefits.\textsuperscript{709}

**Felony drug convictions.**

A participant who has a felony drug conviction after 1996 and within five years of the application is eligible for W-2 services if the applicant agrees to submit to a drug test.\textsuperscript{710} If the drug test is negative, the participant will receive full benefits and services from W-2. If the drug test is positive, the participant’s cash benefits will be reduced by up to fifteen percent of the payment for twelve consecutive months.\textsuperscript{711} A participant will have to wait for the twelve months to expire before he or she is eligible to receive full W-2 services. The participant would however be required to submit to another drug test and such test must be negative.\textsuperscript{712}

**Good cause.**\textsuperscript{713}

It is within the discretion of the FEP to determine when a participant’s absence or non-compliance may be excused for good cause. In considering whether to excuse an absence a FEP

\textsuperscript{708} Ibid. at Chapter 11:7.
\textsuperscript{709} Ibid.
\textsuperscript{710} Ibid. at Chapter 11:7-8.
\textsuperscript{711} Ibid. at Chapter 11:8.
\textsuperscript{712} Ibid. at Chapter 11:8-9.
\textsuperscript{713} This section does not explain the good cause determinations and investigations for child paternity issues and the Child Support Agency (W-2 Manual, supra note 596, at Chapter 16:5-9).
should consider whether the absence was due to child care, legal or other incidents beyond the control of the participant.\textsuperscript{714} Participants who have children thirteen years and younger will be excused from employment assignments or other activities if they are unable to find suitable child care. The participant must however, be looking for possible child care facilities.\textsuperscript{715} Participants can only receive child care subsidies for licensed child care facilities.\textsuperscript{716} In certain circumstances, a participant who has been jailed simultaneously while on W-2 will not be sanctioned for missed employment or other activities.\textsuperscript{717} It is however, important to note that a participant’s absence due to incarceration is not considered good cause.\textsuperscript{718} If a participant has been incarcerated for less than thirty days, the FEP will not issue a strike, but instead sanction the cash benefit by the hourly penalty.\textsuperscript{719} A participant who is incarcerated for over thirty days becomes ineligible for W-2 benefits.\textsuperscript{720} There are occasions where a participant may be arrested and held in jail due to no fault or guilt of their own. In these circumstances, where the case has been dismissed against the participant, the FEP will not sanction or strike the cash benefit.\textsuperscript{721}

\textsuperscript{714} W-2 Manual, supra note 596 at Chapter 11:3.
\textsuperscript{715} Ibid. at Chapter 11:5.
\textsuperscript{716} Ibid.
\textsuperscript{717} Ibid.
\textsuperscript{718} Ibid.
\textsuperscript{719} Ibid.
\textsuperscript{720} Ibid.
\textsuperscript{721} Ibid.
### Table 4.3 W-2 Penalty and Sanction Scheme.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Sanction</th>
<th>Re-Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence</td>
<td>$5.15 per hour</td>
<td>If FEP determines that absence is excused for “good cause” no hourly sanction.</td>
</tr>
<tr>
<td>Refusal/Non-Compliance</td>
<td>Every time a participant refuses to comply a strike will be issued. After three strikes, participant is ineligible for services in the placement level for life.</td>
<td>None</td>
</tr>
<tr>
<td>Incarceration</td>
<td>Less than thirty days will result in sanction at $5.15 per hour per day.</td>
<td>If FEP determines that absence is excused for “good cause” no hourly sanction.</td>
</tr>
<tr>
<td>IPV</td>
<td>Ten years if convicted by state or federal Court. After three IPV's, participant is ineligible for services for life.</td>
<td>After ten years unless third IPV then none.</td>
</tr>
<tr>
<td>Felony Drug Conviction</td>
<td>Up to 15% reduction for twelve months if test is positive.</td>
<td>Submit to drug test after twelve month sanction period.</td>
</tr>
</tbody>
</table>

**Paternity**

Additionally, participants are mandated to report the father of their children and assign payments to the state of Wisconsin in order to be eligible for W-2 services. However what is unique about this requirement is that any money paid toward the dependent child while the participant is utilizing welfare is given to the participant. The state of Wisconsin will deduct the federal portion of child support payment and give the remaining state portion to the

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participant.\textsuperscript{723} This additional money is not calculated for purposes of determining eligibility nor is the cash benefit reduced because of such payment of child support.

Some participants who are participating in W-2 are also eligible to receive support financially for child care.\textsuperscript{724} In order to be eligible for child care, the participant must have a child who is under the age of thirteen or have a disabled child under the age of eighteen years old, be a citizen or legal alien, be enrolled in school or other acceptable training, complying with all requirements of the W-2 program, reside in the state of Wisconsin and not be barred by the Intentional Program Violation (IPV) or Three Strikes Rule.\textsuperscript{725} Additionally, W-2 will not provide child care subsidies for unlicensed child care facilities.\textsuperscript{726}

A participant must also meet certain financial limitations. The income of a participant may not exceed one hundred eighty-five percent of the federal poverty level.\textsuperscript{727} While child care subsidies are available to low – income families, families are also required to pay a portion of the fee, based on a sliding scale.\textsuperscript{728} Co-payments are based on the number of children in the child care facility and income, among other things. Participants will pay up to twelve percent of their gross salary for child care.\textsuperscript{729}

Embedded within the W-2 system are certain features designed as a safety net for poor children. If a parent is unable to provide for their children and is unable to fully take advantage of all of the benefits that W-2 has to offer, there is a collaborative and cooperative network of services that may be utilized by the state. Such services include Parenting and Life Skills

\textsuperscript{723} Ibid. at Chapter 16:1.
\textsuperscript{724} Ibid. at Chapter 15:1.
\textsuperscript{725} Ibid. at Chapter 15:1-3.
\textsuperscript{726} Ibid. at Chapter 15:5.
\textsuperscript{727} Ibid. at Chapter 15:3.
\textsuperscript{728} Ibid. at Chapter 15:4.
\textsuperscript{729} Ibid.
education, W-2T placements, Children’s Services Network, Community Steering Committee and Child Welfare agencies.\textsuperscript{730} The Life skills classes are a part of the activities available to all W-2 participants. The Children’s Service Network (CSN) is a collaboration of services available to families who lack personal ties to the community needed to address specific and unfortunate social ills. Such services may include referrals to charitable organization which provide food and clothing (i.e. Good Will Industries or Second Harvest), referrals for low-income housing or shelters, information on health services available as well as specific information for participants with disabilities, child care and pre-school information, and financial counseling.\textsuperscript{731} The Community Steering Committee (CSC) is a resource available to assist W-2 participants find employment. The CSC consists of approximately twelve members from the public and private community of Milwaukee County.\textsuperscript{732} Essentially the CSC serves as a liaison between the W-2 participants and the local employment opportunities. Their goal is to identify appropriate employers, offer training in life skills and motivation as well as serve as mentors and promote successful entrepreneurship.\textsuperscript{733} Lastly, the child welfare agencies will assist with appropriate placement of children in need of protective services.

In most studies that discuss the transition from welfare to work, analysis is primary reserved for the agents of the states, in this case, FEP workers or at best the experience of welfare mothers. But rarely is attention focused on the workfare manual. While attention placed here is vital because while application, interpretation or manipulation of the rules are an extremely dynamic process they are always acted out in response to the conditions set by the welfare policy itself. Moreover, it is in the policy where we sometimes find the hidden or

\textsuperscript{730} Thompson, supra note 594 at 14-15.
\textsuperscript{731} W-2 Manual, supra note 596 at Chapter 1:16.
\textsuperscript{732} Ibid. at Chapter 1:14-15.
\textsuperscript{733} Ibid. at Chapter 1:14.
unspoken intentions of the policymakers, giving us a more robust understanding of the relationship between policy intent, formulation and administration. More than just a staid set of rules, this manual served a mediating function between state power and the ways in which actual women navigate that power. What follows is an examination of how these different interpretations of the “ideal” recipient or applications of policy have affected the lives of welfare mothers. More than simply the antagonist welfare worker or the welfare mother hustler, or even the benevolent government father, real people are invested in the success and failures of welfare as a social fact. Real peoples’ lives are at stake for government contracts, paychecks, or even baby formula. Therefore, we need to move beyond the long held assumptions that sit on both sides of the debate. Towards this goal, the following three chapters provide the conceptual and ethnographic body for the project. Each of the chapters is organized thematically rather than chronologically to provide a more dynamic understanding of the relationship between welfare policy, employees, and its recipients.
CHAPTER 5

‘W-2 PIMPS CHECKS’: WELFARE MOTHERS SPEAK BACK TO W-2

“The truth is a job doesn’t necessarily mean an adequate income. A woman with three kids—not twelve kids, mind you, just three kids—that woman, earning the full federal minimum wage of $1.60 an hour, is still stuck in poverty. She is below the Government’s own official poverty line. There are some ten million jobs that now pay less than the minimum wage, and if you’re a woman, you’ve got the best chance of getting one.”

Johnnie Tillman

INTRODUCTION

Rarely, do we want to hear the stories of the poor, how they have struggled, financially, physically and mentally. These stories all just sound like excuses, strategies to keep on getting something for nothing. We continue to tell them that if they would only “pick themselves up by their bootstraps,” delay gratification or refrain from promiscuous and immoral behavior, they could better help their situation. More specifically, when the conversation turns to poor mothers and welfare, the debates and suggestions are even sterner, less sympathetic, and literally patronizing toward any anecdotes about the plight of poverty, personal or systemic. We tell these mothers that they are manipulative, welfare queens, and that the collective “we” are tired of footing the bill for such lavish lifestyles that reward laziness. However, the reality is that no one chooses to be poor, let alone, poor with children to feed. Prior to 1996, mothers and their children had the limited and continually contested safety net of the AFDC program. But with Wisconsin leading the charge for welfare reform, many single mothers were left struggling to negotiate the varied requirements of the new program, W-2, while at the same time laboring over

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how to provide the basic needs for their children. Regardless of where one falls on the welfare debate, these women remain objects of study, their conditions the starting point for solving a social problem. They are continuously seen as a problem for the hard work idea, an obstacle to capitalist success, a roadblock for securing democratic equality. But in all of this, we rarely hear from the women themselves. In the chapters that follow, I am going to invert the conventional lens and examine welfare, not to explore the pitfalls of mothers who have in some way taken a wrong turn, but to give listen to the voices of the welfare mothers themselves and examine how they evaluate the welfare system as it transitioned to the W-2 program. In the next three chapters I will detail three dominant clusters provided below which emerged from the data and best describe how mothers receiving W-2 benefits evaluate the program:

1. **Paternalistic Essentialism**: within welfare discourse this concept constructs an imagined welfare mother profile by presuming the specific characteristics or behaviors unique to the welfare poor. Those who marshal a paternalistic essentialist position then assume that every member of the welfare poor is of one particular social type that the state will govern irrespective of multi-faceted personal choices and challenges. The profile of this essential welfare being goes on to shroud the complexities of welfare experiences under an imagined caricature no matter who the person is or what that person's particular circumstance may be. This portrait of the poor thus serves as justification for state or market actors to make decisions on behalf of the poor with little concern for their personal wishes, interests, or even needs.

2. **Work First Principle**: a public assistance approach that enforces time limits on aid, a primary employment requirement, and skill building instruction. This approach focuses on the acquisition of any job over the quality of job or even educational and skill-building pursuits.

3. **Privatization of Welfare**: initiative to introduce market relationships into the bureaucratic production of public services where a standard of social justice is replaced by an ethos of economic costs and benefits. With W-2, the state facilitated a system of privatization where counties became subcontractors in order to secure a market share of the welfare administration. This process of privatization created a system where welfare mothers were unclear about competing regulation and
violations of policy, social workers were replaced by Financial and Employment Planners (FEP), and all actors involved were subjected to a new set of market-based criteria that encouraged antagonism over service provision within the daily realities of public aid.

Embedded within these clusters are many sub-themes that will also be explored. The purpose of W-2 was to present welfare mothers with alternatives to dependency. The mothers of this study offer insights from their perspectives and experiences that take this claim of better alternatives, by W-2, to task. In the discussion that follows I will explore a series of issues. How do these mothers evaluate the transition from welfare to the W-2 Program? What does the central goal of self-sufficiency mean to them? What does welfare reform in general mean? And, finally, is anyone listening? Most mothers in this study voiced concerns about the inability of W-2 to directly address their specific needs or take into account their specific conditions. These evaluative clusters: Paternalistic Essentialism, the Work First Principle, and Privatization, in no way fully encapsulate the range of experiences encountered by W-2 participants. Yet, they still give us a powerful understanding about the overarching negotiations taking place between citizen actors, state policy making, and market power within the world of W-2.

**Paternalistic Essentialism**

*I’m a hustler; these men out here won’t take care of me. I damn sure don’t want to work. Every since I was a kid, I always wanted to be on welfare. My mother was on welfare and had a bunch of kids with different men and that’s why I don’t know my father. Her mother was on welfare and so on and so on. So, I am going to try to have as many babies as possible to “get over” on this welfare system. Each of my kids will have a different daddy and I’m going to name them Pookie, Iesha, Jamal and such and such. Why do I need to get married, when I can just sleep with every Tom, Dick and Tyrone? My baby’s daddy is a drug dealer, but his trifling self ain’t putting any money in my pocket. Thank God for welfare!! My other baby’s daddy is in jail,
I might send some money up for him to buy some Newports. Every month I am going to go to the welfare office in the hood to pick up my check, go to the liquor store and cash it and get a bottle of Alize. Then I’m going to go across the street to Hair Regulators and get my hair and nails done. I am going to pick up my kids from school, the one’s that aren’t in foster care, and drop them off over my mother’s house, where they are at most of the time, so I can go out to the club. I don’t want anything more than this, I am nothing, and I will never be anything, but a welfare queen.

Within the American imagination, the typical welfare mother has become more of a caricature than a real person. We loathe her because she is a parasite on the system. We chastise her because she has no values. Yet, we know nothing about her. The standard image above has become so powerful that it has taken on a life of its own, and in fact, policy has been dictated by the “welfare queen” mythos more than the conditions under which welfare mothers actually live. While living in poverty, these women have been seen as “welfare queens” to the point that even welfare mothers themselves have bought into the imagery. This study not only reveals just how false this image has become but also suggests the effect such an imagination has on public policy implementation. Participants in this study consistently stated that W-2 lacked individual consideration coupled with a “father knows best” mentality. In discussing this theme, I have coined the term paternalistic essentialism. My discussion with the participants demonstrates how paternalistic essentialism takes effect when an agency presumes the specific characteristics or behaviors unique to the welfare poor. These specific characteristics go on to define all welfare recipients, superimposing static and impermeable traits onto mothers, traits that do not take into consideration individual or varied conditions, challenges, and interests across time. Moreover,
this image has dictated the way in which government actors have engaged recipients, through policy making, irrespective of their actual needs, interest or desires.

Paternalistic essentialism is a powerful construct that stretches from Ronald Reagan’s provocative welfare queen caricature up to the actual policy implementation of welfare reform, ushering in the emergence of W-2. The participants in this study revealed first that W-2’s paternalistic essentialist approach towards policy reform allows this agency to ignore the structure of the recipients’ socio-economic lives and focuses instead on their behaviors or, what may be viewed by others, as poor choices. Additionally, the participants suggest that discretionary policies, over-worked FEP workers, and arbitrary sanctions allow recipients to be treated as second-class citizens. The end result is that recipients who continue to utilize the program are not only chastised for what they do, but additionally for what the program expects them to do. Lastly, by formulating the problem of welfare through this constructed character, W-2 sets the terms for how the problem of welfare recipients can be solved, leaving all other solutions as beyond the bounds of possibility. These solutions are thus created to solve the problems associated with a welfare mother caricature and thus rarely address the grievances made by the actual mothers about their everyday lives or even their conditions under W-2. Yet the participants in this study argue over and over that their grievances do not cohere with this caricature and therefore cannot be solved by the solutions offered by W-2.

Here, the paternalistic essentialist construct of the welfare poor suggests a promiscuous, lazy, incompetent, and manipulative social body of predominately black women. This caricature goes on to justify a fiscally conservative market-based approach to social welfare remedies. With this image, a neo-liberal solution of privatization does not require success; it has been celebrated before even being implemented, due to our manufactured construct of the welfare
poor. This essential being will represent all poor asking for social aid within this caricature, no matter whom the person is or what that person’s particular circumstance may be. This portrait of the poor thus serves as justification for state or market actors to make decisions on behalf of the poor directly in opposition to their personal wishes. However, this study offers the opportunity for the participants to speak back and for once move from the margins and into the center of the discussion, not as simply objects of inquiry, but as subjects evaluating the W-2 program.

“Hassle or help?”

In the interviews conducted with the thirty participants, I explored their interpretation of the W-2 program. For the first time in their lives, they were being offered a voice, an opinion about what they wanted and most importantly, what they needed. All of the women interviewed for this study would rather work, however for most, W-2 provided the economic support to meet the basic essential needs. Additionally, for many, work opportunities had never been an option because W-2 or its predecessor, AFDC, was all that they had known. However, regardless of which side of the fence the individual fell on (limited or voluminous work history and skill development); once they enrolled in the W-2 program they were all lumped in the same category—dependent. The participants themselves pointed out that once they earned the label of dependent, simply because they were asking for aid; their particular concerns, needs or desires as individuals were either invisible, irrelevant or categorized as being synonymous with all other participants. W-2 should have been the answers to their prayers. It offered promises of self-sufficiency, accountability, and employment opportunities. But participants tell a different story engulfed in disappointment, despair, and hopelessness; narratives filled with decisions made for them by the W-2 bureaucracy. Most of the participants in this study felt that they had somehow
lost control over the decisions in their lives and their sense of individuality. They too believed that work, along with education and skills training, would lead them off the system and towards some semblance of the American Dream:

Yes, I think that mothers on welfare should work. I think everyone who is able to work should work. But I can’t find no job with just my GED, I need to get training and go to MATC or something. But it seems as if it is so much harder for women like me. And I don’t just mean black women, I mean blacks do sometimes have it the hardest, but I mean you know poor folks. When you are depending on someone or something you get seen as something else. People don’t have sympathy and respect for you. Everyone thinks that if you need help it is because you are lazy and they treat you like that. Or some people even go so far as to treat you like a child once you get on the system it is almost as if you are a child. Everyone is telling you what you should have done, what you should do and what they gonna make you do. It is just horrible, is this what I was put here for? W-2 ain’t all bad because you know I need the money, but they need to help us, we really, really need help.  

This recipient gives voice to the persistent presumption of a link between poverty and poor choices, sutured together by the notion of paternalistic essentialism. As she says, women on W-2 are not just black or poor, but deemed “like a child.” This paternalistic approach informs not only how the women are perceived by FEP workers but dictates the kinds of policies made available to these women, policies shaped by the perception of their limited capacity for decision-making, goal setting, and ultimately securing the means for self-reliance. The draconian consequences of this paradigm reach their most pernicious effects when W-2 women attempt to devise their own strategies for self-determination and are summarily penalized by a welfare system shaped by limited expectations for their success.

W-2 was implemented in such a way that required FEP workers not only to keep watchful eyes on the recipients and their behavior, but also to oblige these same recipients to

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736 Special, Interview by author, 2005.
adhere to certain activities and regulations or be subject to sanction. Hence paternalism became a conscious component of the W-2 program. Social policy analyst and W-2 advocate, Lawrence Mead goes as far to celebrate, “In paternalism, [FEP workers] …are authority figures as well as helpmates. They arrange services, but they also check up on their clients to be sure they fulfill their responsibilities. They provide a combination of help and hassle.”⁷³⁷ Most of the women in this study pointed to the “hassle” more than the “help”.

Oh my goodness, these FEP workers are ridiculous, so if I had to change something about W-2, I would change the way the FEP worker people treat us. You would think that this money belongs to them. Like they own W-2 or something. If I forget this, I have to start over, if I can’t show up because of whatever reason, it ain’t good enough—they gonna sanction my check. They don’t give a shit about me or my family because to them I am just some poor welfare queen.⁷³⁸

To be sure, struggles between supervisors and rank and file laborers remain a constant thread all across the modern workplace. However here, there is an added wrinkle to the larger conundrum of “class struggle.” What could be seen as a struggle over the terms of workplace behavior and expectations is transformed into an apolitical act of benevolence and assistance on the part of FEP workers and the larger W-2 entity. The very perception of women on W-2 as child-like, which is dictated by their poverty, becomes a justification for marginalizing their specific experiences, needs and interest from the center of building a workable vision of self-reliance. One must be perceived as a rationale, capable, and mature being, in order to voice legitimate grievances over their condition. Here, economic sanctions, verbal dismissals, and overzealous surveillance become necessary encroachments into the dysfunctional lives of poor people, instead of scrutinized as dysfunctional old tools for constructing a new stratum of the poor.

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⁷³⁷ Mead, supra note 591 at 158.
⁷³⁸ Special, Interview by author, 2005.
The effect of paternalism is a long-standing critique of welfare. While this charge has not lost any of its vitality in the new economy, it seems that the paternalistic approach of old would have withered away with workfare’s insistence on self-sufficiency; i.e. “these kids need to grow up and stand on their own two feet.” Yet this approach persists. The experiences of the participants in this study revealed that W-2, as implemented, was not tailored to meet individual needs. It treats the W-2 recipients as if they were second-class citizens and has allowed the state to intervene and dictate the rules and relationships within family structure in ways that was not beneficial to their individual families.

“I am an Individual not just some number on the welfare roll.”

Political Scientist Lawrence Mead claims, “W-2 is individualist in spirit.” However, all of the women in this study complained that individuality was an elusive notion, at best. It did not matter if the participant was a first time applicant who had fallen on hard times because of a shortage in job opportunities or a life time participant of AFDC who had simply moved from one program to the next. The opportunities and services offered ended up being the same:

This is the first time I had to come down here to ask for help. But when they see me all they see is poor, black and trash. They immediately think that I do not want to work. That I have a whole bunch of kids and that I am either on crack or I am crazy. They think that all I want is a hand out. I don’t want a hand out, I want some help, I need some help. I had a hard time, they don’t know my life, but they don’t care either—I am just some number to them—and that is $673. Or sometimes, its $673. They push this paper in my face and tell me to return this form and bring this in, hell I feel like I am winning the lottery or something, all the hoops and loops I have to jump through. They need to know, that I am an individual, not just some number on the welfare roll. I won’t be here forever, but right now I am here and I need some help, not some pity party. I told them that I only needed it for the three months, but I still had to go through the same

739 Mead, supra note 591 at 110.
thing everyone else did. After the three months was over, I never responded to them and of course the checks stopped.\textsuperscript{740}

Here, the participant discloses how the “welfare queen” image impacts the services that she ultimately received from W-2. Without soliciting any information about her experiences, presumptive stereotypes are immediately placed upon her. However, Deniese graduated with honors from high school and has an extensive work history. She was forced to turn to W-2 because she had a high-risk pregnancy and could no longer work. She was only on W-2 for three months. Despite this information, Deniese is still seen as poor black trash. The “welfare queen” image haunts the quality of care she received because just the thought that this black mother might need help projects a construct of laziness or even worse, drug addicted. It is ironic that Mead, one of the major supporters of W-2, makes a specific claim that the program targets and nurtures the purported individual will for self-sufficiency, in stark opposition to social welfare. But the mothers navigating W-2 in fact argue it is precisely the program’s inability or disinterest in looking at them as individuals, i.e. this specific conditions under which they are poor, which makes the program an utter disappointment. The inability to even understand the welfare mother as more than an image but as an actual experience goes beyond the “welfare queen” discourse. Moreover, this approach shapes the mode of engagement at the point of contact between service provider (FEP worker) and the potential clients themselves.

When an applicant first solicits help from a W-2 agency, the W-2 manual indicates that the FEP worker is charged with completing an informal assessment of the applicant in order to determine their potential employability.\textsuperscript{741} This informal assessment inquires about “work history, recent job searches, education, job skills, interest and abilities and other factors which

\textsuperscript{740} Deniese, Interview by author, 2005. (It is important to note that participants selected their own names for this study. This resulted in three participants selecting the name Denise. In order to distinguish these three participants I spelled the name three different ways: Denise, Deniese, and Denese.)

\textsuperscript{741} W-2 Manual, supra note 596 at Chapter 5:1.
could affect employment. ⁷⁴² All of the women in the study noted that such assessments were performed, but in a mechanical and meaningless way. They noted how none of the information offered within these categories, except work history, counted towards where or how they were placed. Additionally, this assessment included a basic adult education test in order to determine what level of education the participant had acquired. Denise, a college educated nurse who broke her arm at home and therefore was ineligible for Workmen’s Compensation, was told that she had to take this test, despite the fact that she could prove she had received a Bachelor’s of Science in Nursing and that she had a substantial employment history:

I had the misfortune of hurting my hand at home, and because I had hurt my hand at home I was not eligible for Workmen’s Comp. So after my vacation time ran out and stuff like that, my job had to let me go cause I was not ready or really not able to return because I did not have the full function of my hand. So reluctantly I went down to W-2 to get some help. And it was only going to be for a short time, but I had to get some income coming in because the bills weren’t going to wait for me or my hand to get better. So I filled out the papers and they told me I had to go out and do some job searches—that was ok, but what struck me as odd was that I had to take an assessment test for math and reading. I tried to explain to the [FEP] worker that I had graduated [from college] and that I had a degree. She did not care, she said if I wanted to enroll in W-2, really she said if I wanted the money, I had to take the test and they would determine the appropriate, I guess placement for me. It seemed ridiculous, me a college-educated person having to take a GED or similar test, not only was it ridiculous; it was incredibly insulting. ⁷⁴³

When this nurse inquired about why she had to take the test, she was told that it was required of everyone. This type of handling exemplifies the paternalistic essentialist approach. All participants, no matter if they are college educated or lack a high school diploma, are put through the same system, without consideration of their strengths or weaknesses. In its claims of building self-sufficiency, W-2 fails to realize that individual recipients require programming that

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⁷⁴² Ibid.
⁷⁴³ Denise, Interview by author, 2005.
meets the needs of their specific conditions. While the example above may appear to be the extreme case scenario, the majority of the participants revealed their frustration over the lack of individual attention. In order for a program that has as its goal to move women into self-employment and a value system of personal responsibility, services must be provided that meet the individual needs of the particular person. Unfortunately, there is no “one size fits all” welfare mother. While there may be perceived overlapping problems facing many welfare mothers, a program which seeks only to address the problems which are common is bound to be a disappointment to the recipients. On recipient point out the pitfalls and frustrations of the “one size fits all” approach:

They think that we are all the same. But I am not like the next n-gg-, who trying to get some help. Sure we all are poor. But we have individual problems. Some of us are dealing with these men who beating us, some of us have drug problems, some of us are crazy, ( laughing) you know what I mean, we all have some problems up there, some more than others. But what I am trying to say is that W-2 only has one type of AFDC welfare mother, and that’s a lazy no good for nothing person who doesn’t want to work. But that is not me, I want to work, but sometimes I have problems, sometimes I can’t get everything together. That happens to you when you have been through some of the things that I have been through. But what W-2 has is this picture of who I am or maybe who I am not. When they started W-2, or even way back with the original welfare program, they had in mind who needed help or who was helpless, you know. But instead of saying you know this person, this mother needs some help, they said we gonna make this person, this mother, help herself and we are only going to give her the bare minimum to live. So that she get off her ass. Right, that is what they think of all of us.\textsuperscript{744}

What is quite telling from this passage is that even the participants are clued in to the paternalistic essentialist approach that W-2 has taken in creating and implementing its work program. While this image may haunt the creation of the W-2 program, it also drives the system’s need to determine which programs and services are best for the clients.

\textsuperscript{744} Mocha, Interview by author, 2005.
Initially, it appeared that W-2 had a plethora of services and work opportunities. However, perhaps with the disinterest in the needs of the poor or perhaps the decrease in profitability, the proverbial well has run dry. One recipient observed, “In the beginning, there was much more to do, more training and stuff, you did not just have to be a CNA or run a daycare, but now, not much.” Moreover, the reforms do not allow the participants to offer any suggestions as to which activities are beneficial to assist them with the ultimate goal of “job readiness.” FEP workers have been given the power to make decisions for the recipients. These decisions are made without any input from the recipients, despite the existence of the EP. When participants have voiced their concerns or desires, they are quickly dismissed and ignored. Because recipients are poor and in some cases, uneducated, it is assumed that they cannot make rational decisions for themselves and therefore those important decisions have to be made for them. It is further assumed that if the recipients were able to make rational decisions, then they would not be on welfare or need any financial assistance from the state. This essentialist understanding of welfare mothers succeeds because the W-2 initiative conflates joblessness with a failure in job readiness. But in the stories of these women, we find that joblessness might simply be a product of unique circumstances or a weak job market, realities that must be considered when constructing the welfare mother caricature. One recipient points out:

I went in to meet with my FEP and he asked me the same old same old questions, about what I am doing and if I am looking for a job and how that is going. As I am talking he is filling out the same form that he always fills out. He asks me what I want to do with my life and I told him I wanted to be a lawyer and he kind of laugh and said that was too high for me to aim, that I should be a beautician. And I said, I think I could be a lawyer and he said—no you can’t, its beyond your capabilities. I graduated from high school, just because I am on W-2 don’t mean I am stupid. But he thought I was stupid, so when I asked for certain kind of training you know that I thought was going to help me—if he thought it

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745 Jones, Interview by author, 2005.
was above me or something, he would not say I could do it so you know all of my time I was putting hangers in a box and stupid stuff like that. Of course, you can’t go to college, because they do not want you to be better than they are. But I think I would be a good lawyer, I like to argue.\footnote{Shirley, Interview by author, 2005.}

The paternalistic essentialist caricature allows FEP workers to justify tracking these women into low skill and low wage areas where workers are needed. The idea of for-profit subcontractors encouraging or putting the resources behind these women becoming, for example lawyers, runs antithetical to the business plan that for-profit sub-contractors have established and the type of job readiness that they can provide for the state.

Therefore, the paternalistic essentialist idea serves a number of purposes; here, we see a cost effective approach to low expectation, where discouraging Shirley from becoming a lawyer and tracking her into the service market becomes a potentially preemptive way of preventing her from returning back to the rolls at a later date. The FEP worker in this case ultimately believes that Shirley’s desire to become a lawyer is an unattainable goal. Therefore, he steers her into programs he believes suit her best. His decisions appear to be motivated by cost efficiency, but more predominately, low expectations. If Shirley succeeds, then the corporation has done its job, they have reduced the rolls by yet another person as well as gained the economic windfall. The FEP worker assumes that allowing Shirley to pursue her dream as a lawyer has the potential to set her up for failure: the immediate goal of securing a job. When Shirley failed (because the failure is most certain from this perspective) she would most likely return to the roll, thus engaging a cyclical relationship with W-2. However, if Shirley is immediately tracked into the low-skilled service industry, she would have the most likelihood of success: the acquisition of a job.
While the scenario mentioned above describes Shirley’s personal experience with her FEP, there are many others participants who were intentionally led down the same road. Yet, the paternalistic essentialist paradigm is not only viewed from the perspective of the participants, but also from the FEP workers themselves. Additionally, not only do they provide a description of who they perceive the recipient to be, their observations also provide a glimpse into what they believe are the future prospects for the individual seeking help. One FEP worker comments, “Most often a person comes in here, who has never worked before and who does not want to work, and those are the people we have to deal with on a daily basis. They are parasites.” It is this mentality, which allows FEP workers to justify the decisions they make to accept an applicant, place a recipient on the so-called appropriate tier of the employment ladder and even set the terms on which monthly checks are sanctioned. The reference to parasites speaks volume about how clients are seen. When we think about a parasite, a diseased or viral organism that relies on something else to live usually comes to our mind. Therefore, in this view the FEP worker analogizes the recipient to a parasite by claiming that in order for the recipient to survive they have to depend on W-2. And, instead of just taking what they need it is assumed that they will suck the system dry. It is within this view that the paternalistic essentialist paradigm plays out. But based on conversations with recipients it seems that it is precisely when mothers make demands based on their particular needs, is that point at which they are deemed parasites. In this context it is the acceptance of low-wage, limited mobility employment that recipients are deemed job ready and therefore a W-2 success.

747 FEP, Interview by author, 2005.
“It seems like they set up W-2 so that I will fail.”

Under a paternalistic essentialist approach the women are hardly ever given the benefit of the doubt about the decisions they make, especially when their interests challenge the W-2 vision of success, because mothers have already been cast into their assigned roles of lazy, dependent baby making machines. This pre-scripted and prescriptive framing of welfare mother’s experiences and expectations are more than metaphorical. This caricature shapes the relationship that black women have with the agents of the state, their navigation of W-2 as a social policy, and their relationship with state’s notion of self-sufficiency. To perceive the state and its agents as a father like savior and these mothers as incompetent children materializes the paternalistic essentialist caricature as more than a concept. It sets the terms by which power operates in the age of W-2. Participants in this study argue that because of their presumptive status as the “welfare mother” they are treated as second-class citizens and they are surveyed, told what they must do, and are certainly punished if they fail to comply.

I did not want to go get help because I had heard stories about how you know you get treated and I did not want to go there begging for nothing. But I went any way and I could see her sizing me up when I went in. She never wanted to ask me what happen why I needed help. Just sign this not read it just sign it and bring this in and that in. To her I was a bad person unmarried with children and poor.748

As revealed here by Deniese, FEP workers have bought into the welfare queen caricature and therefore this image shapes how the FEPs will interact and engage the recipients.

Participants believe that FEP workers bring to the table all of the preconceived notions about who the welfare queen is in Milwaukee when recipients walk in the door. FEP workers presume a pre-scripted and negative set of social behaviors on the part of the recipient:

748 Deniese, Interview by author, 2005.
I am asked who is my baby’s daddy and have I, you know, filed those papers so that he has to pay child support and stuff like that. What does that have to do with my situation, ask me that stuff later, it’s not like I am out here wilding. I had a job, I am just on hard time now. But when they see me coming they see what they want, not who I am. They talk to me like I am uneducated and like many of those FEPs, I graduated from high school. But because I am not working they treat me like I am less than they are. They can’t understand its hard out there for me, all they see is welfare mother no, I mean, black welfare mother. Who I really am, well to them I may as well be invisible.749

The paternalistic essentialist paradigm must envision the mothers as needing structure in order for the suggested policies and procedures to work. Under this view, mothers are all seen as uneducated and unsophisticated when it comes to securing the essential needs for their families. Tina reveals that even if the FEP worker and the recipients have similar background, it is the classification of the recipients as welfare mother that validates the paternalistic treatment. It is almost as if the simple title as FEP worker over welfare recipient erases the shared experience and hence an understanding of poverty shared by both the FEP and the client.

This welfare mother’s reference to invisibility highlights a powerful means by which W-2 regulates welfare mothers. Here the specific conditions of Tina are irrelevant to the conversation and even unnecessary for constructing a plan towards solving her problems. This projection of the welfare mother caricature is so overwhelming that it stands in for her actual experiences. W-2 policies are organized around a false sense of intimacy with regards to the mores, behaviors, and values of welfare mothers. But the resulting image of the welfare mother is a little more than a foil. In the end, W-2’s bold claims for intimate knowledge of the welfare experience mask what they don’t know, and they don’t want to know about the complex realities of actual mothers. An actual recognition of mothers’ complex daily lives would require a public policy tailored to the specific conditions and demands of women’s actual experiences in ways that

749 Tina, Interview by author, 2005.
would perhaps reduce the profit margins as dictated by the cost/benefit matrix of private welfare agencies. In the end, the hyper-visibility of welfare mothers as welfare queens makes their cries for recognition acts of betrayal and their demands for justice, costly and thus impractical.

“What policy, FEPs make the rules as they go.”

Under the guidelines of DWD, all W-2 agencies are required to follow established procedures. It is important to note that all of the participants in this study acknowledge that W-2 should be allowed to work with some flexibility. This allows each agency to meet individual needs and adjust for any circumstances that might be unique to the community that the agency is serving. The problems lie however, in the arbitrary ways FEP workers decide when and if they are going to be flexible in addressing individual circumstances. Because welfare mothers are rarely seen as individuals, if a mother rebels against the established welfare queen caricature, she is immediately seen as uncooperative. When this occurs, FEP workers use their discretion and power against the mother in a negative way. The paternalistic essentialist paradigm encourages the FEP worker to approach this situation from the perspective that the mother is rebelling against self-sufficiency or accountability and therefore she has to either be roped back in or taught a harsh lesson in order to achieve W-2 goals. In this context discretionary decision-making, does not encourage individualized service but disciplinary compliance. Shanida reveals a type of story conveyed to me by several different participants. While this is just one participant’s situation, the basic theme persisted in many other stories—a paternalistic ethos of “tough love.” She remarks:

It was my first day at this CSJ and we were told that you know if we did a good job we could get hired, so I went early and got my tickets to get on the bus so I would not be late. I did not have no child care yet, but my

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750 Department of Children and Families changed its name on July 1, 2008.
friend’s mother said she would keep ‘em for me for a week. That’s how long my FEP told me it should take for daycare. So after a week I still did not have child care but my friend’s mother could not keep my kids no more because I was not paying her, I know that’s the reason, but she gave me some other bullshit reason for not keeping ‘em. But I can’t blame her ‘dem my kids and I would not want to keep nobody kids for nothing either. But anyways when I went to the FEP worker and told her that I did not have any daycare——she told me that I still had to go the CSJ or I was gone be sanctioned. Now ain’t that about a bitch? It’s her fault I ain’t got no daycare, but still I am going to be sanction. So I went to complain and you know they don’t expect you to complain. In fact, they seemed surprise I bought my yellow ass in here, like I should be grateful and kiss they dirty asses, but not me. But because I complained, it took them 2 more weeks before my daycare was set up and ooh we she took all that money off my check because I could only go 2 or 3 days. And you know that did not make no good you know good um…yeah impression on these people who I want to hire me. Me missing all that work and you can’t keep telling ‘em its ‘cause of your kids, or because your FEP don’t give a shit. ‘cause then they know if they hire you, you still gone have problem with yo’ kids or they think I’m gone make excuses.751

Shanida took a chance and stepped outside of the welfare queen caricature. She stood up for herself and went head to head with the regime. However standing up for herself was not seen as a desire for self-sufficiency but instead as an act of defiance. What is telling about this quote is that Shanida used the same evaluative words of the welfare reformers—consistent work habits, timeliness and no excuses. So the issue here is not the standard narrative suggesting that welfare mothers do not want to work, but instead that they complain when work is not available. This scenario thus goes against the grain of the standard narrative.

Paternalistic essentialism becomes a regulatory constriction on mother’s life chances, when the “deviancy” of poverty is tied to the behavior of mothers and disentangled from the inhumanity of the marketplace. This social and cultural conundrum is further exacerbated by the relatively unfettered and arbitrary decision-making power bestowed upon FEP workers.

Shanida’s story illustrates the institutional trap set for mothers navigating W-2. FEP workers

751 Shanida, Interview by author, 2005.
have the power to sanction mothers without regard to their needs or the larger goals of the program: self-reliance. In fact when the “deviancy” of poverty is situated on welfare mothers, the sanctioning of this mother for not establishing the very child care that was supposed to be secure by her FEP worker is deemed her fault for not being “job ready.” Context is inconsequential, arbitrary decisions are irrelevant, and welfare mothers remain the problem. We claim to know so much about her and it’s this institutionalized arrogance that prevents us from knowing her at all.

Ultimately, W-2’s knowledge of actual lived experiences of welfare mothers is irrelevant. As the reform-based policy was emerging, it constructed a set of parameters, guidelines, and sanctions based on an ideal-type; the welfare queen that had been demonized in public discourse. Before actual mothers can traverse the arduous path from poverty to self-reliance they are forced to fight through the long shadow cast by the welfare queen type. This is more than a metaphorical illusion, as the welfare queen became the benchmark for policymaking. Sanctions are instituted based on the presumption of mother’s inherent deceptiveness. Work requirements are designed based on her inherent laziness. And, skill-building exercises are crafted to counteract a presumed inability for job readiness. Even low-skill busy work is valorized as noble based on the presumption that a mother’s unemployment is the product of not only bad choices, but poor job skills, instead of a paltry market. Therefore, an actual mother’s protest against such policies confirms their challenges to work and not challenges to the welfare system as is currently constructed. Ann responds:

Ok so I have not had a job in a number of years because under AFDC you did not have to work. I mean you could work, but your check was not going to be as high if you did. But under this new W-2 they have you working your butt off, doing this and doing that. They assume that since I have not worked it means that I can’t work, that I don’t know how to
handle a job. So they set me up doing things at the Goodwill and I ain’t knocking nobody that work at the Goodwill, but working there making what W-2 gives me ain’t gone keep me afloat for too long. I need some training in something that I like, not simply having me work, for work you know just for working. And they want you to do so much for so little. In the beginning before you see any of they money, you out there day after day bringing in slips to them for no reason. This is what they call the trial period—trial period for what? To see how long you can make me do this dog and pony show? It ain’t helping me get a job it’s just busy work plain and simple. They expect more from us as poor mothers because we are poor, no one gonna stand up for us, no one cares about people on welfare. Not W-2, not FEP workers and not the jobs they send us to. They just want to humiliate us to the point where we don’t want to use the system or better yet, work us to death, right. Well I guess I need to work, right.\footnote{Ann, Interview by author, 2005.}

What is interesting here is there is a presumption that W-2 recipients should be placed in apprenticeships so that they can learn how to work. The ritualistic understanding is that the reason these women are poor is because they do not have work habits or work skills. Therefore they are placed in “work” opportunities and much is required of them in order for them to develop work habits and work skills. The trivial nature of the “work” opportunity is irrelevant; this opportunity is suppose to benefit the recipient, based on their introduction to good work habits.

W-2 creates a subsidized labor force based on the presumption that work, even meaningless and menial tasks, establishes job-readiness for “welfare queens.” The illusion here is that the reason women on W-2 are unemployed is because they lack skill training and therefore menial tasks provide training. But the reality is that the jobs available to these women do not provide opportunities for advancement, but in fact either keep women complacent and dependent or at best completely regulated. The paternalistic essentialist viewpoint sheds light on this phenomenon. This approach endorses a situation where these women are managed into scripted scenarios of not only what training is appropriate, but under what circumstances any sort of
training will be provided. The agenda here is clear, so long as these women are placed in any work condition, they will be trained to survive and thus move into self-sufficient roles. However, the reality is that without technical skills or educational training, these women will continue to be constrained to the bottom rung of the economic ladder.

Within a capitalist social order we understand that there are gradations of class status predicated on one’s labor power and the ability to sell this labor power within the opportunities available within a given market. Therefore, those at the bottom rung sit there because their labor power is not regarded as highly valuable within the existing marketplace. However, paternalistic essentialism inserts an added wrinkle to the meaning and structure of class difference. Not only are those on welfare in poverty because they have not accumulated wealth and skills but as perpetual children, they are seen as beyond the capacity to develop the skills that can generate the potential for class mobility. Paternalist essentialism makes poverty sit beyond the realm of politics, i.e. something that can be struggled over, as a product of social inequality or something that can be changed. For those surviving under welfare, poverty is not deemed a social fact, but is marked as a behavioral dysfunction, a choice to opt out of the normal functioning of civil society. Tracy confirms:

My first experience with the job search was so embarrassing. You know we have to go out every day for a certain amount of hours to look for a job. Before I got wind of how other people were doing it…they just look in the newspaper and write the jobs down there. I actually went to the Job Center and got on the computer and started looking for places that I can work at. Some places you can, you know, give them the application through the computer but other places you have to go there. So whenever I had to go to a place, I had to give this paper to sign. It was so embarrassing because you know they not going to look at you seriously if you give them W-2 paper and the second thing is that now they know you on W-2. I felt like I was back in school and having to bring home a note to my moma to sign. I did that for one or two days and then I started pulling them just on the newspaper and signing myself. No one checked
but even having to do it one time was so stupid. And you know they make
us do that because they don’t think we have enough sense to get a job.\textsuperscript{753}

This experience of looking for jobs, as a training exercise, shows that W-2 training has little to
do with any actually existing market but is structured based on a set of ideas about mothers as
dysfunctional laborers. Mother’s clearly understood the futility of this exercise, but also
understood that the true goal of this job seeking exercise was to train mothers in the basic skill of
compliance.

Key to the paternalistic essentialist approach is monitoring. By design, W-2 was meant
to foster a surveillance approach to a pre-conceived notion of self-sufficiency and independence.
Poor mothers have been viewed as inadequate decision-makers and therefore the government, in
this case, W-2, has to oversee their decisions to make sure that they are making effective and
wise choices. As a part of the new program, all applicants are required to go out and search for
employment, jobs that in no way cohere with the mother’s actual skills or interests. This
symbolic subjugation suggests that these women are child-like. Tracy poignant description of
what she had to go through clearly indicates this paternalistic approach that W-2 fosters and
relies on.

\textit{“They got the power, not me, so how is that independence?”}

The ethos of paternalistic essentialism extends far beyond the reform debates in the
Congress halls or even the elite language of the academic policymakers, but in fact shapes the
relationships between recipients and their FEP workers. As the most direct face of welfare
reform, it is the FEP worker and their understanding of welfare and its recipients that shapes the
very terms of service provision. It is one thing to enact policy from a manual of guidelines, but

\textsuperscript{753} Tracy, Interview by author, 2005.
such policies are given shape, form, and substance by those who administer social policy. In this case, the ethos of paternalistic essentialism pervades not just how FEP workers understand their role, but shapes preconceived notions about who welfare recipients are and the terms upon which they enter the W-2 office. In this case, the ideas that welfare mothers are lazy, incompetent, and at best manipulative, shapes the very terms on which FEP workers navigate their “cases” through the welfare system. FEP #1 argues:

I realize that I have an important job and I do take it seriously. They [W-2] give us a lot of responsibility to help these women. Women who in my opinion really don’t want to be helped. So I give them what they want, nothing. There are those occasional few who you think could do better. But the end result is that they want the same thing. So I help them bid their time. I can help them get some work background, give them a check and probably set up child care. W-2 has so much to offer, but it’s being wasted on these women who don’t want to do anything.\footnote{FEP, Interview by author, 2005.}

The idea here of wanting “nothing” is more than simply one person’s opinion, but in fact precedes the entrée of any potential W-2 recipient. This boilerplate understanding of the motives and intentions of any and all potential recipients shapes the meaning of welfare for both the welfare provider and the client. There is already a clearly stated premise here that directly conforms to the paternalistic essentialist vision. Welfare mothers need work, they don’t want to work, and hence it is the state’s job to teach them the merits of work more so than provide a high quality of work. In these cases, the possible resources of training certificates, education subsidies, job access loans, etc. (resources actually available from the state at the discretion of FEP workers) are superseded by the presumption that all who enter the door, simply need to establish “job readiness.”
Ultimately, the power of welfare reform rests with the discretionary decision-making of FEP workers. These individuals have an amazing array of resources at their avail and have the capacity to distribute these resources at their own discretion. Yet, the discretionary power here is not without shape or form. The paternalist ideology powerfully mediates the relationship between FEP worker and client. As the quote above vividly displayed, FEP workers perceive potential clients no different than the images that shaped the debate and called for welfare’s reform. These women were represented as lazy, incompetent and at best mischievous in biding their time until the achievement of the ultimate goal: the welfare check. This general profile has blanketed all potential clients so that here, FEP workers discretionary power to distribute an ample array of resources is superseded by the idea that these women don’t want “nothing” but a free check. FEP #1 complains:

In all honesty, W-2 is a scam, not that the program is cheating anybody or nothing like that. It is that these agencies put out a program that is suppose to better these women, but the truth is that these women are not capable of being better. W-2 has the tools to be a great program, but it is being wasted on these mothers who have no desire to do anything with their lives. Look at who the mothers are, they are from the North side [of Milwaukee] and half of them don’t have a high school diploma, a bunch of kids and drug problems. How am I suppose to motivate someone who can’t help themselves? I can give you the tools to build a house and even teach you how to do it or I can just give you a house without requiring you to do anything and let you live in it. Now you tell me, which one of these mothers out here will pick up the tools and learn the lessons—I betcha none of them, of course because these mothers don’t want to put in anything that would make them truly independent.755

Ultimately, paternalistic essentialism provides welfare reform with a justification for its failure to meet the needs of the recipient. The problem rests not with the structural incapacity of reform, the work first principle or any other macro-level condition. The problem here is a culture of poverty and the behavior that it encourages. The problem rests with the mothers themselves.

755 FEP, Interview by author, 2005.
Here, poverty is represented as proof of social failure instead of poverty being seen as an indicator of failure in the larger social world. If mothers dare call attention to this paradigm, or worse offer a challenge to this worldview, FEP workers have the ultimate discretionary power of sanctioning the mothers’ checks.

“Do what they say or get sanctioned--it is almost as if they are trying to spank me or something.”

We’ve established that paternalistic essentialism is an ideology that deploys the metaphor of parenting to discuss both ideal and deviant relationships between the state and its citizens within welfare reform policy and implementation. Here, the metaphor of parenting links the social problem of poverty to the behavioral choices of the poor and not the structural inequalities generated by the political economy. Paternalistic essentialism thus becomes the lens through which W-2 makes sense of its clients and their needs. The needs of the clients are manufactured by the needs of the program, so if the actual needs exceed the needs of the program then such needs are deemed excessive and illegitimate. This ideology has profoundly shaped the terms on which welfare reform was conceptualized as well as implemented via W-2.

Images of the welfare queen were largely of black mothers who were capable of working but lazy, irresponsible, and manipulative; thereby choosing welfare dependency over labor self-reliance. Therefore, welfare encouraged the proliferation of “welfare queens” because this public policy provided no incentives for these women to choose jobs over “free checks.” Media images of the welfare queen saw mothers taking advantage of a weak government by selling food stamps for alcohol and drugs and even having more children to generate a larger check; anything to
generate profit without productivity. Moreover this kind of irresponsible citizenship was passed on to children living under welfare where the state compensates unjustified unemployment. Shanice retorts:

Well, I know I ain’t no welfare queen like my mother was…I did not think she was, but that is you know what they try to make you think…the system [tries to make you think that women on welfare are welfare queens.] They think because I am poor all I want to do is stay home and collect my check and drink and smoke. These people don’t want to hire people like me…you know people who are poor and black, too. Milwaukee is so racist some time; they only want black folks cleaning toilets. I ain’t against cleaning toilet if I can get paid, but give me a chance don’t just put me in a stink ass nasty bathroom and forget about me. I can admit that I made some bad choices, but so did Bill Clinton. And, I have not been on W-2 that long, and I ain’t trying to get a free ride, but I can’t go to work if I do not have people to watch my kids. Back in the day, family would help you out, but now because everybody has to work, ain’t nobody there to help you watch your kids if they ain’t goin’ to school. Nobody thinks about that, they don’t think that I might have a real issue and not that I just don’t want to work, nobody thinks about that.

However, as revealed here, the welfare mother caricature was not produced within a vacuum but was deployed to serve the policy reform interests of paternalistic essentialism. This image of welfare recipients was crafted with a specific solution in mind. Reform advocates deployed the metaphor of parenting to shape welfare reform, whereby the state must shift its approach from enabling dependency and laziness towards a more “tough love” approach to governance. The need for a “tough love” state father required the counter image of a precocious, bad acting probationary citizen child that needed parenting.

756 “Food stamps are the new funny money for criminal fat cats. The coupons are a second currency,” says Brian Heintzelman, chief inspector for the U.S. Department of Agriculture in San Francisco. “Anything you can buy with money, from electronics to houses to sex, you can buy with food stamps,” says his colleague, Jeffrey Rush, in the department's Chicago office: We used to think food-stamp abuse was just done in small amounts by little old ladies, but now we’ve grown up.’ See, “Definitely NOT USDA Approved,” Time Magazine, 1982, http://www.time.com/time/magazine/article/0,9171,925682,00.html#ixzz0qb9zmFpH (accessed April 6, 2008).
757 Shanice, Interview by author, 2005.
The policy implication of Paternalistic Essentialism most explicitly played itself out in the implementation of time limits and sanctions. The federal government has mandated that no person can receive cash assistance for longer than five years. While Wisconsin also has adopted the sixty month time limit,\footnote{W-2 Manual, supra note 596 at Chapter 2:9.} a W-2 participant may participate in any of the four placement areas for up to twenty-four months. It is the cumulative number of months and not necessarily consecutive months that are added together to determine time limits.\footnote{Ibid. at Chapter 2:10.} The “clock” begins to tick on the day that a participant has been assigned a placement level.\footnote{Ibid. at Chapter 4:7.} Additionally, residents who have utilized Temporary Aid to Needy Families (TANF) services in other states must report the number of months used.\footnote{Ibid. at Chapter 2:21.} These months are counted toward the sixty month time limit.\footnote{Ibid. at Chapter 2:10.}

The time limit policy indicates that W-2 recipients have a total of sixty months to achieve economic self-reliance and by the end of that term, they are no longer eligible for benefits, regardless of their employment status. Here the “welfare queen” caricature crafts the condition of unemployment as a choice and not a condition. As dependents by choice, welfare mothers are acting like children and therefore need tough time-limit incentives to choose self-reliance in order to recondition their bad market behaviors. Nicole laments:

This W-2 thing just has me so nervous. They told me that I only had two years to get my act together. It takes longer to go to school and get a good education. I have used up over half that time about fifteen months already and I am still doing a CSJ and they not going to hire me, they just let me do this CSJ to keep the time going out. It’s hard for me to try to find a job that’s going to hire me because I have to work this CSJ or else I’m gonna get sanctioned. There are no jobs in Milwaukee now, but that does not stop my time from going on month after month. W-2 will not pay for me to go to school, but that also does not stop my time from going on. We expected W-2 to move mountains, give us some good jobs and training and stuff, but really all they did was round up all the poor momas and tell
them what they gone do, what they not gone do and how much time they have to do it. At first, I was like damn, but I wanted to get started, but now it’s a big piece of crap, I been working in a CSJ for about 12 months and I am still at the same place, not the same CSJ, I was when I started and the time [limits] is coming up soon, then what am I gone do. My FEP would tell me to get a job, do for myself—like I don’t want to do for myself. But how can I even begin to do for myself, when I have so much to do for W-2 in such a short time. When I complain to her or tell her what’s going on in my life, she is not concerned with that she is only concerned with, will I get a job before my time limits run out. I can’t think about time limits, I need a some solid answers and support, not somebody always telling me that I need to do this and that, I need to stop making excuses, I need to get my act together, get there on time—sometimes I can’t get there on time—I mean everyone might be late some times, right?763

While the reasons and conditions of unemployment and poverty are varied and dynamic, Nicole reveals that the W-2 solution to unemployment uses the “welfare queen” caricature to offer one solution for all experiences: time limits. Here all mothers on welfare are understood as “welfare queens” and therefore if they challenge the time limit solution with varied experiences that are not solved by time limits the mother is seen as resisting self-reliance, not offer a situation inapplicable to a time limit policy approach. However, time-limits are just one way in which the “welfare queen” caricature becomes reform policy. The method of economic sanctioning becomes another mode for disciplining impudent children.

W-2 recipients who have been placed in CSJs or W-2T can be sanctioned at $5.15 for every hour of non-compliance.764 Although the FEP worker has discretion, recipients should only be sanctioned when the recipients fail to comply with required activities.765 Again, this ideology operates under the assumption that recipients do not want to work, because under the previous system (AFDC) willful unemployment was rewarded with a check. Surely these women need skill training but like impudent children, they also need an attitude adjustment towards the

763 Nicole, Interview by author, 2005.
765 Ibid. at Chapter 6:2.
labor market. Therefore these mothers need incentives to work, a program that inflicts penalties for failing to demonstrate good labor market behaviors.

Again, FEP workers have the arbitrary authority to enact sanctions, most notably cutting check for 1) missing W-2 activities 2) missing work, and 3) failing to bring required documents, no matter the reason. Such sanctions seem to comply with the labor market behaviors expected of any worker i.e. responsibility, accountability, and consistency. However, interviews reveal that FEP workers’ approach to sanctioning was overtly informed by the assumption that most women didn’t want to work and therefore any experiences that violated policy were simply excuses for mothers to preserve older behaviors. According to Shanida:

I had three (FEP) workers and one I had to take to a, uh, a meeting, what do you call it when there’s a problem you got, what do they call it, like uh…a hearing, it was like a hearing because I didn’t feel like he was treating me, he wasn’t, I don’t feel like he was doin his job, he didn’t even care, um, about you know, my case, he was very rude to me, he would never return my calls, which none of them never return your calls until weeks later and so, um, they had like, sanctioned my check big time and I didn’t feel like, um, I should, like I had did everything I had to do, but you know if I forgot to get something sign even though I was there or if um they forgot to mark that I um was there, then it was my fault, but um it really was not. But even if it was my fault um it does not seem fair um to me cuz, life happens. So I had to argue my case because when I tried to talk to him about what was goin on he either would say that I was lying, not lying but he acted um like I was not lying or he would not call me back. It was almost as if he was um thinking that cuz I am on W-2 I just want to make excuses. I want um to you know get everything and not have to do nothing. So I got a um you know um a hearing, but of course he won. 766

This sanction-based approach to worker compliance becomes instructive about the intentions of welfare reform when we consider that all workers have issues i.e. calling in sick, childcare

766 Shanida, Interview by author, 2005.
issues, legitimately late. In the larger market there is a general assumption that some “excuses”
are rooted in lived experiences. But in the world of W-2 sanctions, all excuses are produced by a
culture of poverty that rewards irresponsibility. At the same time, transportation, childcare, and
health issues more adversely affect the poor. Sanctioning does not account for the lived realities
of these mothers; it simply punishes poor people for having poor people’s issues. As poor
women, all welfare recipients are routed through the same obstacle course and penalized for not
conforming to its dictates, no matter their experience.

“Why do I have to take this remedial class? I ain’t like the next person, I know how
to spell.”

By formulating the problem of welfare through the constructed character of a child-like
“welfare queen,” W-2 sets the terms for how the problem of welfare recipients can be solved,
leaving all other solutions as beyond the bounds of possibility. These solutions are thus created
to solve the problems associated with a previously constructed welfare mother caricature and
thus may rarely address the grievances made by the actual mothers about their everyday lives or
even their conditions under W-2. Many of the grievances of welfare mothers in fact did not
cohere with this caricature and therefore could not be solved by the boilerplate solutions offered
by W-2.

It should be noted that W-2 has not been the only social welfare agency to employ
stereotypical representations of poor mothers on seeking aid. Most of the representations of
welfare queens were generated or heavily influenced images crafted by politicians, academics
and the media before the advent of W-2. From academics and politicians pulling on the outdated
Moynihan report to images of welfare queens in Reagan-Era popular culture, mother’s
navigating the age of reform had stepped into a minefield of caricatured representations that long
preceded their personal requests for assistance. In most cases our social welfare “experts” have generally colorful anecdotes from few or rare occasion where a welfare mother’s lifestyles have deviated from established normative behaviors in ways that sharply contrast with the ideals of motherhood (another caricature).

The very construction of policy within W-2 almost singularly focuses on behavior modification without regard to the structural realities of employment opportunities. Even mothers that point to other issues including, their already established work readiness, a stingy labor market, or an antagonistic relationship between state agents and mothers are marked as deviant and resistant to work readiness because work readiness is considered an individualized behavioral problem. In fact, even before such ideas about welfare mothers dictated the implementation of policy, caricatures shaped the very contours of debate in the conceptualization of welfare as something that needed to be reformed. Kayla is clear about the welfare queen legacy:

You see, I know how the system works, it works like it has always worked. These women, well I used to be one of these women, but we are demonized because we are not working but because we are staying home with our kids. W-2 wants all of us to take whatever job is out there, the first off welfare handout—that is what it is. There are no jobs here in Milwaukee and the bus system won’t go all the way out to places like Waukesha or at night to areas in Brown Deer so that I can work out there. The jobs that I can get to, well they are either low pay jobs or jobs where the manager don’t really want you there because they know you on welfare and won’t believe that you will actually or actually want to work. But what nobody really considers, especially those FEPS and W-2 is all of those other [life] situations that might interfere with me taking any type of a job. I can’t be at a job that I can’t get to, or a job that I can’t get from if my child is sick. I can’t take a job that don’t pay me nothing or a job where they want me to work so much that I can’t see my child. Does that make me a bad person, a baby’s moma, a welfare queen and all those other

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names that the news and TV shows talk about me or who I am. But the truth of the matter is that until you came here, nobody ever hear what it is which may really prevent me from working. And they probably don’t even care either. And, what if I want to stay home with my child, what if I want to raise my child and not send my child to day care? How different is it for W-2 to pay me as opposed to pay someone else to watch my child?\textsuperscript{768}

This former W-2 mother and FEP worker demonstrates the more general frustration of welfare mothers and their inability to be seen or heard out from under the veil of the welfare queen caricature.

But what is interesting to note about this participant, is she may be considered a success by W-2 standards. She picked herself up by her bootstraps, and got off welfare and found a job as a FEP worker. Her story reveals a case where one women’s experience in navigating the mine field that is welfare reform in fact politicized her to make W-2 more directly address the actual needs of welfare mothers. The irony of course is that she is someone who has succeeded and has the capacity to be quite articulate about her experience while there are countless others who have not had the chance or are simply not capable of articulating their worldview. Under a paternalistic essentialist model, there is only one kind of welfare recipient. She was crafted out of the Congress Floor debates, media exposés, and ivory tower imaginings of welfare dysfunctionality in the 1980s. Out of the shards of rumor, stereotypes, conjecture, and some truth, was woven together the welfare queen.

It is not enough, however to have just created the welfare queen. This study suggests that through the lens of paternalistic essentialism W-2 policy implementation is dependent upon this caricature. One of the participants in this study began to relay to me the story of a well-publicized Governor’s Lunches in 1987. Apparently, Governor Thompson would invite welfare

\textsuperscript{768} Kayla, Interview by author, 2005.
recipients to the state capital of Madison for lunches at the Governor’s mansion. During these lunches, welfare mothers were invited to enter into discussions about welfare reform. Ann recalls:

I heard about these lunches up in Madison that some people got to go speak to Tommy Thompson. I guess it was his way of trying to show that he cared about what we thought about what the new program was going to be about. I heard about it, but I don’t know nobody who went there. But you would hear things, like the mothers want to work and they want to be off welfare and stuff like that, but you know they didn’t ask no ghetto women up there. They did not really come and ask us what we needed or what we wanted, thought we were gonna be drinking forties and asking for watermelon and greens. (laughing) But on the real, it is not that I do not want to work, but that is not my only concern with getting off welfare, I have other things which those Governor lunches never really wanted to hear about.  

Not surprisingly, the publicized conclusions from the luncheon reinforced the policy outlook of the work first principle: the welfare mother’s wanted to and needed to learn how to work. However when relaying the story to me, Ann’s recollections became sort of comical. She began to critique the absence of any women she knew on welfare from this historic event. She went on to opine, “they didn’t ask no ghetto women up there. They did not really come and ask us what we needed or what we wanted, thought we were gonna be drinking forties and asking for watermelon and greens.” Now she and I laughed, but there was also something quite profound in her comical observation. It is quite ironic, that at the center of the paternalistic essentialist vision of the welfare recipient is precisely images of those uninvited ghetto women. It is the caricature of these women that served as a driving force behind the work first approach to reform. Yet I am sure that when the participant in this study used the nomenclature “ghetto women” she was not just talking about the behavior of these women, but she was also talking about recipients who were going to say that work was not enough, that work needed to be

769 Ann, Interview by author, 2005.
surrounded by a series of structural supports, that work must offer a living wage, humane hours, and training possibilities that could lead to upward mobility. In this particular case, what made these women “ghetto” is not that they were watermelon and greens eating, lazy, or manipulative, but that while this participant would agree with the Governor that work is first, her vision of self-reliance would directly challenge the notion that work is enough. And therefore, this challenge undermines the governor’s vision of the welfare recipient and the condition of her reform. This very disjuncture, over the meaning of work and self-reliance, is what ideally made the participant ghetto. But this episode attests to the very caricatured nature of welfare mothers in the construction of reform or remedy, where in the very discussion of making state policies better, those most directly affected by its outcome are nowhere to be found in the photo opt and certainly not heard in the editorials.

One of the key components of the paternalistic essentialist caricature, is an evasion of any conditions under which state aid, for these women, is a logical alternative in formulating a quality of life for poor families that viable and sustaining. Any appeal to welfare, is an appeal to dependency:

Even if I had of been invited to the governor lunches, they wouldn’t have wanted to hear what I had to say. They all think we are all the same anyway, we want something for nothing. I mean I want to work, but the work is not the only thing that is on my mind. But that does not mean that I can’t make the right choices for my family. Using welfare for the time I have is making the right choice for my family. But the government don’t look at choosing welfare as being the right choice no matter what your situation might be. And so if I choose to be on welfare it’s because somethings wrong with me, cause I am lazy or dependent or crazy.770

This participant suggests how the welfare queen caricature plays a significant role in policy reform. The insistence that welfare mothers are so heavily dependent on being dependent

770 Ann, Interview by author, 2005.
suggest that the only way they can become self-sufficient is through a parental “tough love” approach to work principles, state benefits, and skill development.

What is arguably most troublesome about welfare queen caricature is that while it in some ways may reflect the actual experience of some mothers, it obscures the fact that most women want to work and they have aspirations beyond being on welfare but have had certain setbacks which constrain their economic self-sustainability. It constrains our notion of welfare mother’s experiences to a very limited and pre-figured spectrum of possibilities, variables that seem to at best reinforce the solutions offered by the work first principle, to the detriment of other alternatives.

W2 is good for some women, it has helped some of these mothers out there get a job and it is a good idea to have women you know do for themselves. The bad part about W-2 is that when it comes to helping these women unless you it almost seem as if they have this script or we are in a play or something and when I come in to Maximus I have to read my lines just so right or else I am not going to get help. The FEP workers have lines they gone say to me too and it does not matter if they don’t make sense or if they don’t apply to me they just gone say them and I have to say what’s next on my line. Sometimes it seems that if you are in a different play then W-2 doesn’t know how to respond to your needs.771

The welfare recipients here would agree that they could certainly see some aspects of themselves in the caricature offered by the paternalistic essentialist approach. However, it is the inability of the welfare reform model to deal with the aspects and aspirations in these women lives that don’t conform to the caricature. How can a pre-fabricated welfare reform paradigm respond when, as this participant has eloquently stated, the FEP worker and the recipient are reading lines from two different scripts? This line of critique by the participant is not to suggest that policy formation cannot be governed by hypothesized notions of who the beneficiaries are and what

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771 Jones, Interview by author, 2005.
they may need from policy reform. However, it is something different when the conclusions devised by policy makers are not drawn from the actual experiences of their “subjects.” Journalistic sound bites must be replaced with deep and detailed ethnographic studies.

CONCLUSION

The paternalistic essentialist narrative was quite compelling because it added narrative texture to what could have otherwise been a rather callous set of reforms. To put forward a “work first” reform agenda, policy makers had to craft a certain caricature of the welfare recipient. “Work first” was a policy vision in search of a social profile: the welfare queen. If the “welfare queen” caricature was an accurate representation of the typical recipient, then pushing women and children off the rolls was help, not a hindrance. But what I have tried to do here is look underneath the queen caricature to explore the consequences of a paternalistic essentialist framing of welfare reform. I found that recipients also desire economic self-reliance and agree that the reform of welfare is essential to that process. However, the women here argued for more democratic engagement with how welfare policy must be administered and less of a punitive approach. As the ones most directly affected by reform, recipients wanted to have a direct role in the process of policymaking and be dealt with by state actors as adults and not as child-like. In the end paternalistic essentialism served a powerful function in reform strategies to simulate a vigorous policy debate but its vision of the typical recipient was so limited that reform failed to address the needs and interests of the recipients themselves. So now that we have established the ideological lens that framed reform, we must explore how the limited caricature of recipients guaranteed that “work first” could be the only logical policy solution.
CHAPTER 6
“THEY DON’T CARE WHAT KIND OF JOB”: WORK FIRST PRINCIPLE AND THE END OF QUALITY OF LIFE

INTRODUCTION

It is a hot summer day and I decide to visit the UMOS W-2 agency down on Twenty-ninth and Capitol Dr. However, I am faced with the dilemma of anonymity, hoping to prevent my researcher status from shaping the kind of information I would receive. Should I pose as a desperate mother of two who is just down on her luck and in need of some immediate assistance or should I assume the role of academic and go into the agency as an observer in search of information. I decide to make my decision once I arrive. I park my car about three blocks from the building and head slowly towards the entrance. Walking down the street, I pass the Capitol Drive Bus stop and am quickly joined by three or four other women. In silence we all walk, going the same pace, and in the same direction, eventually all filing into the W-2 agency office one after the other. The building is not impressive, there are not many windows and if you passed by you would assume that it had once been a small factory building. The sign that greets potential clients is not cheery, but instead presents us with an image that says this place is no nonsense...all business. I see various faces of Milwaukee’s unemployed and under-employed as we enter the building. As I pass by, idle conversations full of both frustration with current conditions and desires for a better life fill the air with comments including, “All they want me to do is go from this place to this place, they don’t care what type of job.” “I wanted to go to school down at MATC, but they won’t give me no check unless I get a job.” “I’m tired of working at this food pantry for this little old bitty check.” As I walked further into the reception
area these conversations receded into background noise and I was then presented with a turnstile of brochures with information about W-2 Services. The dominant and reoccurring theme of this literature was to reinforce the W-2 mission to make sure everyone who is able must be placed on the path of work and self-reliance. When I finally reached the receptionist, I asked, “What are the procedures if I need some help, a check?” She replied, “Well you can’t just get money, you have to Work First.” I would soon come to realize that as I entered the doors to this building, I was entering a world that was foreign and at same time familiar. It did not matter if I chose to “play” the struggling mother or present myself as the inquisitive academic; any woman entering that door is confronted with the message of Work First without concern for specific conditions one faces or the particular circumstances of poverty. Work First wasn’t simply the primary word in that building; it was the answer to every question and the solution for any problem. This chapter first provides a backdrop to understand how Work First became the dominant organizing principle for state assistance to the poor and unemployed. Then the discussion will focus on how this principle has been implemented on the ground and the both positive and negative consequences for mothers experiencing the shift from welfare to work.

**Work First Principle**

One of the major criticisms of the AFDC program was that recipients could receive government assistance in the form of cash benefits without any obligation to work. In fact, if a mother secured employment, benefits were not eliminated but reduced by the amount of those earnings. The criticism continued that allowing mothers to receive cash benefits without any work requirement created an army of dependent mothers who passed this unacceptable behavior on to their children and thus creating cycles of intergenerational dependency. With the steady rise of the welfare rolls, states including Wisconsin, felt the need to reduce the fiscal strain on the
state’s budget. Before W-2, Wisconsin’s cash benefit was one of the highest in the nation.\textsuperscript{772} In the late 1980s and after rounds of political debate, states concluded that aggressive welfare reform was the only way to relieve growing fiscal concerns, many times without considering cuts in other programs that were more costly, less efficient, or not as helpful to such a large segment of the population. Among many of the changes, one of the central program reforms was that now mothers faced punitive consequences for failing to secure employment. In fact, the new reforms required that mothers accept employment or enter an employment-like regimen as a condition of receiving any cash benefits or services.\textsuperscript{773} The idea was that requiring mothers to have some agency in their economic situations (1) breaks the cycle of intergenerational dependency (2) moves mothers out of poverty and (3) encourages family self-sufficiency.\textsuperscript{774}

Under the Work First principle a participant is required to accept any available employment regardless of the type or quality of employment. Work first did not emphasize education beyond high school or training towards employment.\textsuperscript{775} One of the first attempts at implementing the Work First agenda was the Work Experience and Job Training Program (WEJT). Alongside education and job training, WEJT had a community service component. Notably these two changes foreshadowed what would more formally become W-2 even before the man most associated with welfare reform, Governor Tommy Thompson, had taken office.\textsuperscript{776}

Once in office, one of Governor Thompson’s pet projects was to extend the work requirements for welfare mothers.\textsuperscript{777} Thompson received federal approval for his then

\textsuperscript{772} Mead, supra note 591 at 21.
\textsuperscript{773} Ibid. at 19.
\textsuperscript{774} Ibid. at 20.
\textsuperscript{775} Ibid. at 71.
\textsuperscript{776} Ibid. at 24-25.
\textsuperscript{777} Governor Tommy Thompson served as governor of Wisconsin from 1987- 2001. He was then appointed by President Bush as Secretary of Health and Human Services from 2001- 2005. See, Tommy Thompson and J.
controversial plan through a waiver from Health and Human Services.\textsuperscript{778} At the time, the federal government required some mothers to work when a child had reached the age of three. Under Wisconsin’s welfare program, Thompson sent mothers to work when a child reached the age of one. With welfare reform, W-2 sent mothers to work even earlier, when the child reached the age of three months. The closest program under AFDC to resemble the current W-2 program was Wisconsin’s 1995 Work Not Welfare (WNW) program.\textsuperscript{779} The WNW program required mothers on welfare to work and did not allow mothers to receive benefits for longer than twenty-four months.\textsuperscript{780} Additionally, mothers were now sanctioned for missed hours of work.\textsuperscript{781} Despite Wisconsin’s efforts and the significant strides in the reduction of the state’s welfare rolls, this new program did not reach the state’s largest welfare population: Milwaukee County. It was not until 1996, when the state created the Self-Sufficiency First (SSF) and Pay For Performance (PFP) programs that Milwaukee County got its first taste of the wave of reforms soon to come. SSF was a program requiring applicants to search for jobs and attend job readiness training before benefits were given.\textsuperscript{782} Unlike previous programs, if an applicant refused to participate in these activities, the cash benefits or services were no longer approved. PFP complimented SSF because it reinforced work requirements. Recipients who failed to complete their assigned activities under PFP received a deduction in their benefits. Similar to


\textsuperscript{779} The program was piloted in two counties in Wisconsin and required women to find work within twenty-four months of enrollment or their benefits would be terminated. See, Tommy Thompson and J. Bennett, \textit{The Good News About Welfare Reform: Wisconsin’s Success Story}, http://www.heritage.org/Research/Lecture/HL593nbsp-The-Good-News-About-Welfare-Reform (accessed July 17, 2010).

\textsuperscript{780} Mead, \textit{supra} note 591 at 29.

\textsuperscript{781} \textit{Ibid.}

\textsuperscript{782} \textit{Ibid.} at 74.
W-2, an amount equal to the current minimum wage was subtracted for every hour of activity missed. PFP was different than WNW because under WNW a recipient who failed to work or perform job search activities faced a reduction in their portion of the family check. However, under PFP if one household member failed to work or perform job activities every person in the home suffered because the check for the whole family was reduced.\textsuperscript{783} Therefore, in essence under PFP families in Milwaukee County were now required to earn their cash benefits by engaging in full-time work activities.\textsuperscript{784} It would come as no surprise that these two programs culminated into the W-2 welfare reform work initiative in 1997. The goal of the new W-2 program was to “end welfare as we know it” and also to require work and self-sufficiency. W-2 would not meet the needs of the poor with cash benefits but instead address poverty with job opportunities and minimum employment requirements. W-2 would comes as close to “real” employment as any of its predecessors.

Under the W-2 Work First principle, there are few exceptions to the employment requirement. Recipients are placed into work or job search activities before any cash benefit is paid. In most cases, participants are placed in unsubsidized job assignments with case management services or given community service jobs. Most participants in this study agree with W-2’s focus on work, but disagree with many of the ways in which this goal has been implemented. The women collectively criticize the early work requirements for parents with children who are less than school age as a threat to family stability. They denounce the “all or nothing” emphasis on taking any work available while preventing mothers from gaining access to skill development or educational training that could facilitate upward mobility. Finally, many question the seeming inconsistency between a work first focus and the lack of diverse

\textsuperscript{783} Ibid. at 31.
\textsuperscript{784} Ibid. at 72.
opportunities for job-related activities beyond the proverbial “busy work” or low skill service work that occupied most of their time. The next section will explore how the participants in this study evaluate W-2’s work first principle.

“My kids need me.”: Work first principle threatens family stability.

Many women argued that the Work First principle, as implemented through W-2, does not strengthen but in fact threatens family stability. The Three-month rule requires mothers to separate from their newborn infants at an early age to meet the work requirement. The three-month rule is seen as severely harsh because it disrupts essential bonding processes. Additionally, when mothers are required to enter the work force, additional financial strain is placed on the family, as familiar and informal social networks that could provide childcare are not recognized and therefore not funded within the welfare reform system. It is important to note that when asked if mothers should be allowed to stay at home with their child most participants in this study agreed that some work should be required.

At the time of the interviews only six of the participants were employed. The remaining twenty-four were either in college or unemployed, or not in school and not receiving W-2 services. Angel, an unmarried mother of one six-year-old son was on W-2 for sixteen months. Prior to receiving W-2 she was enrolled at Alverno College and had a significant work history. However, once she had given birth, her boyfriend assumed all financial responsibility so that she could stay home with their son. Angel was led to W-2 when her then live-in boyfriend and father of her child moved out and left her without any economic support. At the time of the interview, Angel was enrolled at Milwaukee Area Technical College in her last year of study in Human Services. Angel noted, “I think that as a single mother you mean, as a single mother, I, I need to work…To provide. I need to be able to provide on my own for my son you know,
also…Sometimes you need assistance, but you definitely have to put forth, um the effort yourself.”

In short, these women evaluate W-2 from the common ground of work first. Most W-2 participants want to work and believe, as do W-2 administrators, that they should work.

However, these mothers push not just for work but also for a quality of work that can generate both basic wages and a certain kind of quality work experience. Denise, a married mother of three, was receiving benefits from W-2 for twelve months. Denise had to apply for W-2 because she was injured at work and needed some help with finances. At the time of the interview Denise was enrolled in college for Nursing. She noted that:

There’s a certain amount of enrichment that I feel going out, um helping other people, but I mean the work that I would, if it was a job doing something I would want to do, not then it’s also teaching my children that in order to care for yourself you need to go outside and work. Ain’t nobody just gonna, you not just gonna sit here and things gonna fall out of the sky.

Despite stereotypes, these women are not just looking for handouts and agree that a strong work ethic should be passed on to the next generation, i.e. their children. But at the same time, the participants also believe that Wisconsin’s mandatory work requirement for mothers with children over the age of three months is too strict. Cynthia, a divorced mother of two children, was one of the rare participants who actually transitioned from AFDC into PFP and then into W-2. She could recall the days when her children were young and she could stay home with them. Cynthia noted:

At the time when I was on AFDC, we [welfare recipients] could stay at home with our babies until they could go to school. My kids need me, my kids didn’t ask to be here, their daddy already absent you know…but I work because I have to, not because I want to. My kids need me to show them what’s what, I don’t care what nobody say can’t nobody tell them

Angel, Interview by author, 2005.

Denise, Interview by author, 2005.
better than I can and when they mess up everybody gone be looking at me anyway, not W-2, not the babysitter, but me, they always blame the moma.”

Cynthia’s revelation shows that she is a woman who has a clear understanding of responsibility and at the same time is still making demands for a better W-2 program. Cynthia’s disclosure makes clear that there must be some space in policy discourse that takes into account a model of social responsibility where the quality of life surrounding the recipient as a “worker” is just as important as the requirement of work. There of course are arguments which have been made that detail the positive effects of outside employment on young children, but as Cynthia points out a work first agenda can have a profound effect on the socialization of a small child. Most participants in this study also felt that W-2 should recognize that child-rearing, even when done by the mother, is work. In fact, Cynthia was very ambivalent about the work requirement. At one end, she knew that she needed to work because it was the “right thing to do,” but at the other end, her children also needed her. She felt that she was in a better position to teach her children the facts of life and since she was going to be blamed for any possible mishaps or shortcomings no matter who raised her children, she should at least be given the option. As is the case of so many women on W-2, she is a single mother and the only parent available to provide the consistent parental support needed. With the W-2 work first principle, children are now left to fend for themselves or thrown into the relatively impersonal arena of state-sanctioned childcare.

Most participants who disagreed with the work first principle for mothers with infants made appeals to social justice. They did not think it was fair to require work when the child was

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787 Cynthia, Interview by author, 2005.
789 Cynthia, Interview by author, 2005.
so young. Mocha, an unmarried mother of a five month son had received W-2 for five months. She was a high school graduate with an extensive work history in the fast food industry. She applied for W-2 services after she gave birth to her son. After her son reached three months, Mocha was notified by her FEP worker that she had to find child care for her son and report to her assigned work related activities. Mocha refused to report and was cut from the program. At the time of the interview, Mocha was unemployed and homeless. She was staying with her child’s paternal grandmother. When asked why she did not comply, she responded at length:

I know that we have to work, but my baby, um he too young to just stay with anybody. W-2 don’t even give me a chance to try to raise him or see his first steps or see him smile or say moma. They just want me to work and put him in some day care so somebody else can raise my baby. That’s not right. I come from a broken home and so I know what it feels like when ain’t nobody there and I know that if maybe somebody was there for me, cuz my mother had to do what she had to do, I think I might be a better person to my son. I want to be there for him but I know I need to take care of them with money too, but W-2 making me trade one for the other. They won’t let me take care of my son the way I want to, they make me work and instead of paying me to take care of my son they’d rather pay somebody else. Now you tell me, Ms. Bridgette, what kind of sense do that make? If anyone can take care of my son it’s me. I am better qualified den any of them other certified or not—pay me, let me stay home with my son, that’s a job too— but not to W-2, before he [my son] even knew me, they want me to turn him over to someone else: please. But I know I got to do what I got to do. So that is why I said I ain’t going to work at no Second Harvest.

Mocha reiterated the general frustrations mothers expressed about the prospect of leaving their children at an early age. Most child psychologists will confirm that the early development years with the primary care provider are essential. Moreover, such a relationship is possible within welfare and was indeed supported under previous guidelines.

Red, also an unmarried mother of a son was receiving W-2 for twenty-three months. She is a high school graduate with some college education. She also has an extensive work history in

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790 Mocha, Interview by author, 2005.
the fast food industry. She applied for W-2 services after she gave birth to her son. After her son reached three months, she too was notified by her FEP worker that she must find child care for her son and report to her assigned work related activities. Unlike Mocha, Red did not refuse to report, but she still commented:

So after three months, I did, but I was like at the point and actually I ended up getting off because I just didn’t feel like putting my baby in day care at no three months, so it was like I went looking for a day care but I couldn’t find one that was right and then I just felt like, I’m not about to put my baby in no day care. You know three months is too soon with barely enough time. I was running around for the half two months and it was like I couldn’t do it. I was actually still on W-2 but it was just like, since I was getting sanctioned and all that, so basically I was just kind of living off my Mom at that point because she didn’t want me to put my baby in and I didn’t want to and I was still on low income or whatever partial checks I did get or being sanctioned or whatever because I didn’t put my baby in daycare. But I had my mom watch him when she could and when she couldn’t I just got sanctioned.791

Here Red tells a tale that in some ways challenges the welfare queen caricature. According to popular lore, these women do anything, including having more children for larger checks. But when Red was constantly sanctioned for not putting her child in daycare, Red made the choice to accept the penalty and receive less money.

The AFDC debates painted a picture of lazy, uncaring and financially manipulative welfare mothers. These mothers offer a different story. Perhaps the goal of W-2’s insistence on the work first principle was to discourage mothers from becoming dependent on the system by forcing these mothers to make hard decisions when it comes to accepting cash benefits or raising their children. Or perhaps it was just a coincidence.

Whatever the case may be, the new work first scenario may have helped in decreasing Wisconsin’s welfare rolls, but for these women it has certainly not moved them out of poverty.

Mocha’s story makes clear that while counted in the tally marks for those who left the rolls, in return she gained unemployment and homelessness, a far cry from the end goal of work-based self-sufficiency. W-2’s insistence on mothers entering the work force when their child has not reached school age is seen as more of a penalty than as positive instruction. Caring for one’s children, as seen through the eyes of many of the participants, should be recognized as a viable alternative to outside employment. As Mocha points out, the mere fact that W-2 criticizes a mother who chooses to stay home yet is willing to pay child care subsidies for a stranger to care for the child is a contradiction. The fact that Mocha had a proven track record of steady employment before the birth of her son should be an indication that she is a woman, like many others in the study, who is willing to take care of her obligations and responsibilities. Many mothers believe that the work requirement should be adjusted to allow mothers, with children under the age of four, to have more time to bond with the child as opposed to learn about milestones through the babysitter.

Despite the criticism of the three month rule, there are some mothers who do place their children with a day care provider and work. But when a mother does choose to comply with the rules and send her infant child off to day care, W-2’s work first principle poses other unrecognized and unanticipated financial barriers to gainful employment. Such financial barriers prevent participants from either finding suitable and acceptable childcare or engaging in assigned work activities. These barriers are the result of an unlikely source: the childcare subsidy policy.

W-2 offers a generous child care subsidy for families with children between the ages of three months and thirteen years of age and for children over thirteen with special needs.792 Mothers are required almost immediately to find licensed and certified day care providers after

the child has reached three months. The provider regulations in the W-2 manual state, “Under W-2, child care providers must be licensed or certified…in order to receive public funding.”

In this study, childcare was one of the most discussed topics. Issues relating to childcare ranged from disappointment over determinations of ineligibility for daycare services to delayed approval for child care services. The end result of these challenges to childcare acquisition was that the mothers would ultimately miss their required activity and be sanctioned for non-compliance. Mothers were often dismayed over the fact that family members or friends who are unlicensed and uncertified day care providers are ineligible for the childcare subsidies. In many cases these informal social networks are the only realistic option available, especially for the placement of infant children. If a recipient fails, as was the case with Mocha, to find adequate licensed or certified childcare, non-compliance results in expulsion from the program or a reduction in cash benefit amounts. Therefore, W-2’s work first principle places an additional financial strain on the participants because familial and informal social networks are not recognized and therefore childcare subsidies are unavailable.

To better substantiate the above point consider the mothers who are placed in CSJs. If they use unlicensed providers, these mothers will not be eligible for publicly funded childcare. Thus, the responsibility of childcare payments will be left to the single mother who is already trying to stretch the miniscule $673 monthly payout. When faced with this situation, mothers have to choose between removing the child from a place where both the child and the mother feels comfortable or continue using an informal and unlicensed child care provider while facing a financial penalty. Shanice, an unmarried mother of a two year old daughter, was on W-2 for eight months. Shanice had an eleventh grade education. At the time of the interview she was not

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793 Ibid. at Chapter 15:5.
receiving W-2, but was unemployed and not enrolled in college. Despite the lack of a high school diploma or equivalency, she had an extensive work history in the fast food industry. She applied to W-2 after the birth of her daughter. During our conversation, she was reminded of the time when she was on W-2 and had to discontinue her GED classes because she did not have acceptable childcare. A neighbor was keeping her two year old daughter. However, because W-2 would not pay the unlicensed neighbor, Shanice had to miss GED classes. These classes were required based on her EP and therefore, for every missed class, Shanice’s check was reduced by $5.15 per hour. She recalls:

Um, I had um stop doing the activities because after that…I did not have my child care set up at the time and I stopped going because they started cutting you off short on your checks and stuff and I told the FEP worker I didn’t have child care and she said oh well, you only going to class for three , what I think it was two – three hours um she pretty sure someone at the home would stay with the baby. I told her my neighbor was but she wasn’t gone do it for free. They did not have me workin so I was not gettin’ no check so how I gon pay her, right. So she [FEP worker] gave me the run around for the moment you know I had to play the game or whatever and then she [FEP worker] gave me a um, she gave me child care she finally gave me child care but she told me that they weren’t gon pay my neighbor because she wasn’t certified, right. And I told her well she had to give me time to find child care because I am not going to just put my daughter in no any old kind of day care.\footnote{Shanice, Interview by author, 2005.}

This sentiment voiced by Shanice reveals the unintended consequences of the early work requirement. Mothers are required to place their children with strangers or suffer the additional burden of covering the cost of childcare and/or risking reduction in cash benefits for missed activities. When asked if she had ever gotten sanctioned because she did not have childcare, Shanice replied:

Sanctioned, yeah I got sanctioned. I don’t even know what $673 check look like. \textit{(laughing)} But seriously, I only got a full check once or maybe two times
and that was when Keeyanna was first born. But other than that they kept sanctioning me even though she knew that she did not give me no child care and she knew that I did not get a full check and even if I did, how was I gone pay my rent, my phone, my lights, buy pampers and clothes and pay the babysitter too, right.\(^{795}\)

What is revealing here is that FEP workers are not in tune to this significant barrier to employment. In some cases the FEP workers’ callousness or strict adherence to boiler plate policy results in delayed access to needed services that are crucial for participation and compliance by the mothers. Additionally, there is no recognition by the FEP worker that her discretionary actions are causing the recipient to fail in compliance. Shanice’s statements show that during her entire tenure on W-2, three months in a CMC (no work requirement) and five months in a CSJ, she only received a full check in the amount of $673 for at most one or two months and even in those circumstances, she could barely make ends meet.

The implication of the work first principle is startling. Mothers are pushed into the workforce arena under a harsh rule which requires them to leave their newborns under the three-month requirement. For mothers who choose to stay with their children, they pay the ultimate penalty, a severe reduction in or possible elimination of all their benefits. Those who comply have to relinquish many informal social networks for childcare or face financial burdens that threaten their journey to what the mothers understand as self-sufficiency, a vision extending beyond simply moving off the welfare rolls. However, even when a mother chooses to play by W-2 rules, the work first principle fails them if there is no room within the system to move up the economic ladder toward the ideal of self-sufficiency. The work first principle places an all or nothing emphasis on any work available while preventing mothers from gaining access to skill development or educational training to encourage upward mobility. It would seem, and the

\(^{795}\) Shanice, Interview by author, 2005.
participants suggest, that W-2 has simply moved the poor from just being poor to now simply
working while poor.

“Under AFDC, I could go to college, but not under W-2”: The Work first principle
and the roadblocks to upward mobility.

The ultimate goal of W-2, under the Work First principle, is to move recipients up the
tiers of the employment ladder until they reach complete self-sufficiency and no longer need
assistance from the government. All participants in this study agreed that self-sufficiency is a
legitimate goal. And while opinions varied, as to whether self-sufficiency could and had been
achieved through W-2, most concluded that the program produced negative effects when
measuring the general goal of self-sufficiency. Some argued that the program just shifted the
burden of dependency from AFDC to W-2. Others argued that the W-2 program forced
recipients to be without support but not self-sufficient through its draconian time limits. And still
others argued that while the goal of work was achieved, it came without the means of upward
mobility.

Programs implemented prior to W-2 allowed recipients to attend college or university as
an acceptable activity in order to receive benefits. It was at least thought in the beginning that
the best way to move people off of the welfare rolls was to educate them. With an emphasis
on education over work, very few mothers were participating in work assignments. The
unfortunate reality was that despite the educational focus, a good many welfare recipients were
remaining dependent on the state for financial support because education was not producing the

796 A 1977 study of 265 welfare mothers attending an urban community college found that not only were nearly
three-fifths of the group academically successful, but that an older group of mothers (those over age 25) exhibited a
high degree of potential for succeeding in and benefiting from college. See, Barbara Young, “Welfare Mothers in
College,” Journal of College Student Personnel 18, no. 1 (January 1977): 38-44; See also, Mead, supra note 591 at
71.
economic gains for which many had hoped. Governor Thompson was not an advocate of the education approach to self-sufficiency. His initial programs pushed more mothers into the work force and away from remedial or post-secondary education programs. The figure below illustrates the impact of the work over education approach for Wisconsin’s AFDC participants.

![Figure 6.1. Wisconsin AFDC/Jobs participant assignments.](image)

Note: High School, GED, ESL are remedial education data. Job skills and vocational training are job training data.

Before the implementation of SSF or PFP in 1996, counties in Wisconsin, including Milwaukee enjoyed a higher percentage of recipients participating in remedial or post-secondary education. In 1994, just two years prior to the enactment of tougher mandatory work requirements, roughly

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797 Mead, supra note 591 at 72.
798 Ibid.
forty percent of the AFDC/JOBS participants were enrolled in either remedial or post-secondary education programs, compared to roughly twenty percent in 1996. The sharpest decline however, was in the area of job and skill training. In 1994 roughly four percent of the recipients were participating in some sort of job training or skill building program compared to zero in the years leading up to the creation of SSF and PFP. With the enactment of W-2, work became the focus while higher education was seen as a luxury and no longer a right under the new guidelines. While it is understandable that mothers should work, the rise of W-2 witnessed a shift from one extreme of all education and no work to the other extreme of all work and no education, in a job market that requires education.

To gain more insight into the program, from not only the recipients’ perspective, I interviewed two FEP workers. One was then employed at the UMOS location on 29th and Capitol Dr. and the other was no longer employed by W-2. FEP #1 (currently employed) had worked for W-2 for six years in various positions and locations. As stated earlier, on one particular summer day in Milwaukee during my research I thought it advantageous to pose as a W-2 applicant seeking information. I walked into UMOS, a W-2 agency, under the alias of an applicant. The location was not exactly what I expected. I expected more of a “cattle call” environment where people would be waiting for someone to call their name. I expected a dirty, smelly and unkempt reception area with overly aggressive women. My expectations were quickly debunked. Inside, the reception area appeared quite professional. I approached the front desk and reception area and was met by three women. And while I did not think they were overly friendly, I told them I wanted to apply for W-2. Without being asked any preliminary questions, I was immediately directed to go to the back of the building. Like, many of the
participants in the study, I did not know if I was talking to county/public workers or private/W-2 employees.

I walked through the building and towards a separate but equally uninviting W-2 reception area. On my way I could see what appeared to be the job search area. It was a pretty decent sized computer area, but without any privacy. Anyone passing by could look through the glass and over the cubicle to see what each individual was working on without actually stepping into the room. It was completely packed. Some were on the computer searching for leads, others were trying to type up their resumes and cover letters, while still others scoured the newspapers’ employment ads. As I continued walking to the back of the building, I passed by a number of information stands that had pamphlets about various kinds of programs. The one thing that struck me as odd was that the Benefits and Service brochure (the manual requires this brochure be given to all applicants) was in Spanish only. The UMOS agency is in a predominately African-American community and there was no visibly available English version of the Benefits and Service Brochure. Additionally, most of the clientele I saw as I made my way to the back were African-American or what appeared to me to be of some sort of (non-Latino) African descent. When I finally reached the reception area for W-2, I had to change my plans to impersonate an applicant because I recognized one of the employees and more importantly, she recognized me. She asked me why I was at the agency and I explained my project to her and asked if she would be willing, anonymously, to sit down with me to answer some questions about W-2. By the time I met with her, I had already interviewed at least ten of the participants. I was most interested in getting a clear understanding of the regulations and how she, a former FEP worker (she was in a different position at the time of our meeting) viewed her role and the role of the recipients.
At the time of our interview, FEP #1 was a Resource Specialist. A Resource Specialist makes the initial assessment of what W-2 services are needed by the applicant. At the onset of our conversation, I could tell immediately that FEP #1 shared the W-2 principle of work first. It is worth quoting her perspective at length:

One of the things that we emphasize when people come in for orientation is if you’re not looking for work, this is probably not the right program for you because it’s a work program. I mean, while I know the first thing on your mind is that you need financial assistance, at the same time you really need to be focusing on ‘I need to find a job,’ so if you’re not in that frame of mind, like ‘I’m not trying to get a job right now’; and its funny, when I was looking for you, I heard somebody outside say “they got me workin’ everyday, I might as well get a job”. Hello? So, you know, right, and everything that we do is kind of focused just like a job, that’s why we insist on you being on time for your appointments, we insist that if we require that you bring in documentation that you do it. Because basically everything that we do from the very beginning is try to prepare you for going to work, because we have individuals, again we have individuals who have worked all of their lives and then now all of the sudden they have been displaced. We also have individuals who might be like just turning 18 years old, just out of high school, don’t have a clue, so we’re trying to get them out of high school so that we can prepare them. But then we also have individuals who may have been out of school for a while, but have never had a job, so they don’t have a work ethic, they don’t understand the concept of, if I have to be at work at 8 o’clock, I can’t get up at seven, get my kids ready, get on the bus, get them to daycare, and be at work on time. They don’t understand that it’s not okay to be ten minutes late for work, if you need to be at work at 8 o’clock, 8:10 is not okay. So we’re basically training from the ground level, instilling work ethics in people from the very beginning and that’s the reason for a lot of people it seems so strict and you know, but we’re trying to make sure you are prepared and ready to go to work and if you can’t do something as simple as come in, in the morning, and be on time, and if I say bring me ... I see the same people every day, they didn’t bring those job contacts back. Why didn’t you do your job contacts? I mean, on a
daily basis, people will go through orientation, because if they don’t follow through, they have to start back at the front door.\footnote{\textit{FEP, Interview by author, 2005.}}

As evidenced by this lengthy comment, finding legitimate and gainful employment for a recipient is the number one priority of W-2. Applicants are told up front that W-2 is a work program and that it will place demands on them in the same manner a “regular” job requires.

Such a visionary program should be praised for its efforts to move people into gainful employment. However, without a shared focus on upward mobility through trade or college education or recognition of the education demands of the dominant service sector economy, individuals participating in the W-2 program become economically stagnant. In fact, attending college is seen as a luxury within the program where the poor are made to feel guilty for considering college training as an equally viable part of establishing work readiness.

This FEP worker displays a general approach for dealing with the poor where work first is the only concern, any kind of work, above and beyond preparing for a quality work experience. When asked about W-2’s strict policy against attendance at higher education learning institutions for benefits, FEP #1 had this to offer:

\begin{quote}
I think that the reality is if I have to choose between feeding my family and going to school, even though going to school is essentially going to help me to better take care of my family, it doesn’t erase the immediate need. You know what I’m saying. I can’t say, I would love to go back to college. Yeah, I would like to finish working on my Masters Degree, but I can’t say well, you know, I think I’m just going to chill out for a minute while I’m going to school and I’ll get some assistance. I have to go to school at night; I mean I have to work it out like anyone else that would have to. I can’t tell my job that I’m not going to work, and I want you to pay me while I go to school. I have to go school, I have to find schools like Alverno where I can go to school on the weekend or find schools like Cardinal Stritch where I can go to school in the evening. I have to work it
out because my first objective has to be to feed my family and I can work on doing that better in the process, but I just gotta fit it in just like anyone else would have to. Now, that only applies to college, because as far as high school, like if someone comes in and their still in high school we’re not going to say you can’t go to high school.\footnote{FEP, Interview by author, 2005.}

The very notion of delayed gratification, particularly in terms of skill building, is necessary given our current information/high tech economy. Some level of college education has now become the equivalent of a high school diploma. In fact it is quite ironic that one of the charges against the so called welfare archetypes is their inability to enact delayed gratification and yet it is precisely those suspicious of welfare recipients that now say don’t engage in long term planning, meet your immediate needs now.

FEP #1 made a point to tell me that W-2 was not against recipients going to college, but that college attendance could not stand in lieu of employment. Here one can witness that the goal of W-2 is simply to move people into jobs, without opportunities for better positions of advancement offered by education or training. If a recipient wants to have more education or training, in order to receive services under W-2, they must find time outside of their required activity hours. Participants in this study disagreed with W-2’s heavy emphasis on any work over the quality of work. In order to achieve true self-sufficiency, many women argued there must be a combined focus on both work and skill building. Instead, what W-2 offers is a temporary solution to unemployment. Without a policy that includes a financial allotment for educational training and skill development, W-2 essentially creates a new caste of people, the working poor, a segment of society with a good work ethic but dead end jobs.
FEP #1 makes a valid point that welfare mothers must adjust their lives and educational desires to meet the immediate needs of their family. However, participants in this study offer legitimate observations about the difficulties of navigating W-2 conditions, educational requirements, and family responsibility. Tina, an unmarried mother of two children, received W-2 services for twelve months. She was led to W-2 while pregnant with her second child. At the time, her mother supported her financially. Due to mental health reasons, her mother lost her job. Despite the support by her mother, Tina reported an extensive work history in the food, retail, and customer service industries. Tina stated:

For the women receiving higher education that are going to college, receiving two semesters of help is not going to get you through. Sometimes you need more than that to get through and finish college. Those women are trying to change their life and actually trying to accomplish something to stay off the role of W-2 and I feel like they should receive that type of help. But W-2 they don’t see it that way, they see it that the women trying to get something [cash benefit] for nothing.  

We must take into account the validity of the FEP worker’s point that unemployed mothers who want secondary education must adjust their lifestyle in order to balance a stable work ethic with educational alternatives including night classes and weekend courses. And while W-2 has now allowed mothers to attend college for two years, only if they have been unable to find employment, Tina points out that the estimated time of an Associate’s Degree, going to school at night or on the weekends would elongate the time required for achieving a terminal degree. Therefore, W-2 mothers are caught in the bind of being thankful for opportunities that simply do not meet their needs.

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802 Tina, Interview by author, 2005.

The illustration below reveals the education level of the participants at the time of the study. It is important to note, that not one of the participants was receiving W-2 at the time of the interview. Among the thirty participants in this study, over fifty percent had either a terminal degree or at least one year of college education. Four of the participants had received at least an Associate’s Degree. Twelve of the recipients had between one and three years of college education. Seven of the participants had received a high school diploma or its equivalency. And, seven of the participants had some high school education but did not receive a diploma or its equivalency.

![Figure 6.2. Education levels of participants.](image)

Note: A terminal degree as described here refers to an Associate Degree or higher.

The fact that the women I interviewed who had completed college education after their time limit ran out on W-2 highlights how the policy constructs an antagonistic relationship
between work and upward mobility. The participants in this study understand that higher education is the primary route to upward social mobility. However, the current construction of W-2 provides no infrastructure that either encourages or rewards advanced education and therefore demonstrates the limits of the W-2 vision of job readiness.

“They had me putting hangers in a box, just busy work, not meaningful work”: The work first principle and the politics of limited work opportunity.

Participants in this study disagreed with the implementation of the Work First principle that encouraged the placement of most participants into CSJs. Because of the amount of time of the placement and the type of placement, most CSJs do not lead to permanent employment. Of the thirty participants in this study, only two CSJs led to permanent job opportunities. Additionally, the participants in this study felt that W-2 recipients are being tracked only into low-paying, low-skilled positions of service and in most cases, those service positions were as Certified Nursing Assistants (CNA) or day care providers. Lastly, women found that the tracking of women into these positions perpetuates the very cycle of poverty that W-2 claims to eliminate.

CSJ positions are meant to be temporary job placements in order to give recipients without a work history some job experience. Most CSJs last for six months and can be extended for an additional three months. If the CSJ chooses not to hire the W-2 recipient, the recipient is placed into another CSJ position. Changing CSJ positions will continue until the recipient has reached the maximum allowable time limit in the CSJ employment position. These CSJs do not lead to permanent employment and therefore many of the mothers are shifted from one site to another without any real stability in employment or actual opportunities in skill building or training. Of the thirty women I interviewed, Rachel and Red were hired by private employers
after participating in the CSJ position. Rachel was hired as an Information Resource Specialist by the W-2 agency in which she had initially enrolled. Red was hired as a CNA for a private employer.

W-2 is not what a lot of people expect…it’s supposed to be a job training program to get people off W-2, we supposed to supply people with jobs and get them off W-2 within six months to a year so they can be standing on their own. But that’s not what W-2 does because I have to go here for three months and there for another three.  

More often than not, participants in this study engaged in at least three kinds of activities. These activities included working for two non-profit agencies, Goodwill Industries on 91st and Mill Road or the food pantry, Second Harvest, on Fond du lac Avenue. When there were no employment opportunities available, including the two above, the participants were placed in a job search activity. For those who did have the opportunity to work in the CSJ position, they were led to believe that showing up for work on time, following the rules, and adequately performing assignments would almost guarantee permanent employment. Keshia, an unmarried mother of one daughter, was on W-2 and had been using the service for twenty-three months at the time of the interview. When asked about her CSJ experience, she vents her frustration:

I was placed in a CSJ at the Thrifty Store on the south side. It was for three months. It was suppose to be a CSJ that hired you. I was there everyday thinking I am going to be hired, but I didn’t. Then they put me some place else, same thing, I was told that this one I would fo’ sho’ get hired, but I didn’t. So now I am frustrated cuz I den worked at two places and they told me I was gon’ get hired but I didn’t. And here I am with only one month to go and still no job. I felt like we were just being used.

Keshia had been on the CSJ employment ladder for twenty-three months. Her eligibility would expire in less than a month and she was still unemployed. The W-2 program placed her in positions where, in her mind, she had no opportunities. In her mind, the employer receives free

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805 Denise, Interview by author, 2005.
806 Keshia, Interview by author, 2005.
labor without any intentions of hiring the W-2 recipients. The unfortunate reality then becomes that W-2 simply hastens the inevitable, and in Keshia’s case her daughter is left without a safety net, and she is sent back into the world, unaided, alone, and unemployed.

Some recipients placed in CSJs remain hopeful that the job training experience here will lead to the possibility of a permanent position. FEP workers, however, generally dismiss women without job experience out of hand with little consideration for their potential.

It’s hard to place some of these women; you know the ones without a work history. We send them over to Goodwill or Second Harvest to get some experience, any experience, but we know sometimes, we just don’t know what to do with them. We want them to get jobs but without any work history it’s hard to say.\footnote{FEP, Interview by author, 2005.}

With this FEP worker’s comments in mind, it’s easier to understand why participants feel that FEP workers have nothing invested in them and hence give recipients CSJs, which are tedious and/or a waste of time. However, if the participants are placed in a CSJ position and actually gain some meaningful work experience—they can be pushed into the highest rung on the employment ladder, unsubsidized employment. It is irrelevant, as far as W-2 is concerned, that the actual W-2 placement, may not have matched the skill of the individual or even the desire of the participant. Naomi observes, “\textit{All they care about is placing me in busy work. They don’t care what type of CSJ I’m in. I’ve sorted hangers, put glue packs together and worked at that filthy food pantry. And what do I have to show for it, nothing but a kick in butt.}”\footnote{Naomi, Interview by author, 2005.}

In the end, the only thing that matters for W-2 compliance is that the recipient is engaged in employment, of any kind and the assumption is that this employment will engender a good work ethic assumed to be missing from recipients. However, recipients counter that in order to make W-2 work, job opportunities must be offered that lead to permanent employment. While any type of
employment may be the philosophy of the W-2 mission statement, desires for a higher quality of life call for employment opportunities which will do much more than move unemployed recipients into the category of the working poor. Employment opportunities must be tailored to meet the goals and abilities of the individual recipient.

When jobs are available, most recipients are tracked into positions of service and offered certifications in mostly two areas: childcare and as CNA. One of the recipients, Denise, confirms;

The first step was to evaluate you to see where you were as far as your skills or whatever. And then they tell you about the different job sites and what would be best for you. And they try to sway mostly minorities, young black women, into CNAs which is what I am professionally, I am a CNA.809

Rachel adds;

I don’t know what the vendors are like now, but they primarily send people to daycare training and CNAs across the board.810

The figure below adds quantitative substance to the observations of Denise and Rachel, by outlining the dominant types of job training and certification programs for which W-2 recipients were tracked during the time of this study.

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809 Denise, Interview by author, 2005.
810 Rachel, Interview by author, 2005.
As the figure above indicates, over fifty percent of the recipients in this study were offered some additional training or certification course. In my sample there were approximately four different types of training or certifications available. Eight of the participants received CNA certifications, six of the participants received day care provider certifications, one received a certification as a computer technician and one received training as a dental assistant. Recipient GiGi expressed significant frustration with what she perceived as an unspoken tracking of W-2 mothers into areas that were both low-skilled and oversaturated; generating a reserve labor force made up largely of W-2 workers.

I wanted to go to school. That is so not the norm. Because they tell you from the beginning, um, even when I was with Kip, and I talked about, well we’re not gonna pay you while you do that, you have to enroll in a program we have a nursing aide, a nurse’s aide, well hell, how many nurse’s aides do ya’ll wanna have, you want to create a overage of, you know, an abundance of nurse’s aides when there’s not even enough physicians? And then you just have people sitting around certified to be nurse’s aides and then what, what do they do.\textsuperscript{811}

\textsuperscript{811} GiGi, Interview by author, 2005.
As evidenced by GiGi’s position, W-2 has limited opportunities to offer recipients. Recipients are tracked into position of service and these positions don’t necessarily promote self-sufficiency if jobs are unavailable.

As their main critique, the women here argue that W-2 tracks recipients into low paying and low skilled jobs, which in effect reduces their quality of life. At least under AFDC, these women did not feel used by employers when they voluntarily engaged in the JOBS program, which operated in a similar fashion to W-2’s CSJ initiative. Here, the W-2 participants simply ask that W-2 provide the opportunities and the possibility to obtain a quality job, paying adequate wages to achieve a just quality of life for them and their families. Additionally if W-2 predominately tracks individuals into two types of positions, the job market for those two areas will no longer remain stable or economically viable. In fact, because of the low demand for the service or the over-population of potential laborers within the field, certification becomes meaningless. Further, what we see here is that the shuttling of the majority of participants into limited arenas of labor within the restricted certification track of childcare and CNAs is simply W-2’s version of generating a reserve labor force in ways that exacerbates labor’s inability to forcefully negotiate contracts or life chances within the larger market.

It was in fact the rare opportunity when participants were offered a different type of training. In my sample, only two people were offered certification or training in some other area, Tracy and Erica. As I reviewed my notes about these two participants, I concluded that there was nothing unique or remarkable about who they are or why they received special (read different) attention by the FEP workers. In fact, Tracy is an unmarried mother of four children. She did not graduate from high school and does not have a GED. She transitioned into W-2 from AFDC and does not have a significant work history. However, she was able to receive
training as a dental assistant and worked at the only dental school in Milwaukee. Erica is a married mother of four children and has a high school diploma. She worked in the fast food industry before becoming a W-2 recipient where she received training as a computer technician.

Perhaps Tracy and Erica’s good fortunes may have something to do with the timing of W-2 as a new program. From what I can gather from the data, W-2 began with very ambitious aspirations with many more opportunities for W-2 recipients at the outset. Michelle, an unmarried mother of two children, was placed in a CSJ at the Department of Motor Vehicles. In addition to the computer training, Erica was placed at Christian Faith Fellowship Church for her CSJ. And Rachel, an unmarried mother of three children, was placed at the Opportunities Industrialization Center of Greater Milwaukee (OIC-GM), a W-2 agency. What these recipients have in common is that they were all participating in W-2 at some point in time prior to 2000, before job opportunities were severely streamlined and limited. However, for those who continue to use W-2 services today, employment opportunities are simply not available. What we witness then is that while the model state of Wisconsin has made significant strides in reducing their overall case load and preserving their fiscal budget, mothers who have to navigate the system are largely remaining in poverty. While these participants offer complaints about the quality of CSJs available, they are still counted as among the lucky women who get the opportunity to gain limited work experience. For others, when CSJs are not available, they have to spend time participating in job search activities. Furthermore, if the participant is placed at the unsubsidized employment level or is considered “job ready,” W-2 does not provide cash benefit while that person performs their job search activity. If a person is placed on the CSJ employment level, they will receive a cash benefit for a maximum of twenty-four months even if
they fail to find a job within that time period. Therefore, a lack of meaningful job opportunities under the W-2 program perpetuates the very poverty it claims to eliminate.

As mothers navigate the requirements set forth by W-2, they are thrown out into not simply hostile but in some cases, a non-existent job market where opportunities are both sub-standard and few in number. In the face of a non-existent market, as mentioned above, the W-2 program has also instituted a simulated job search exercise even where circumstances indicate that there are no job opportunities available. Unfortunately, mothers at the same time have to put food on the table and therefore are engaging in illicit labor practices to move beyond job simulation and towards subsidizing their paltry wages with actual income.

So what exactly is the job search activity? The job search activity requires an individual to make a certain number of contacts with potential employers. Job skill readiness is marked as the primary cause of poverty under the Work First principle. Therefore, these job search exercises presume that all mothers requiring W-2 need skill building that such simulated activities seem to cultivate. Each job search entry must contain the name, address, phone number and date of contact. This information is then submitted to the FEP worker to satisfy the job search activity. The requirement of job search reaches far back to the first time the recipient submits an application for services. Before the FEP workers conduct an assessment of eligibility or before any funds are released, an applicant must participate in the job search activity for two weeks. As far as the applicant/recipient is concerned, no further inquiry is made to follow-up on the submitted job searches. At the application stage, these searches are used to weed out those who come to W-2 expecting to receive an immediate check. As FEP #1 indicated:

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812 FEP, Interview by author, 2005.
Once you complete orientation, and again there’s a few other things they talk about, but basically the whole gist of it is that we’re trying to let you know what you’re in store for, give you a general idea of what the timeframe is going to be, and you know just make sure we’re on the same page. Because some people go through orientation and they say, you know, this is not for me, I’ll decline right now.  

At the recipient stage, these searches are used on the one hand to generate possible employment and on the other hand to place the recipients in some type of activity or as the recipients call it, “busy work.” Special indicates, “*When they don’t have nothing for us to do, it’s just job search, sign this and sign that nothing but busy work it don’t mean nothing.*” Without job search follow up or significant job placement resulting from these activities, recipients are led to question the use-value of such exercises or their purpose within the work first approach of W-2.

In the end, the job search treadmill becomes a never-ending cycle of expertise development and job placement incompetence. The acquisition of jobs ultimately rests with the mothers. However, a W-2 program that encourages these mothers to engage in a simulated job search process without meaningful assistance or follow-up must share the burden in reinforcing the status of these mothers as the working poor, especially when such activities are a prerequisite for W-2 aid.

This critique of the job search initiative is not simply placed on the W-2 agency, but on the recipients themselves who view job search activities as a waste of time, tedious or even intimidating. However, those who complain about their activities, even under this guise, have a legitimate argument. How are we to expect mothers who have never worked before to see the benefit of job search activities? Or how should mothers who have a remarkable job history and even completed years of higher education, re-act to a mechanical job search requirement? Take

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814 Special, Interview by author, 2005.
for example the story of Denise. She is a forty year old divorced mother of five children. She has three years of college and is a CNA professional. She injured herself at home and could not work. She needed W-2 to help her make ends meet until she was rehabilitated. She noted:

They started to evaluate me…right? And I kind of like said to them that I already have work skills, work background, so what purpose would this serve me, as far as getting job skills or whatever. And it was just, I was told simply that, you have to go through this because that’s part of the process. Anyone that would get any funding from the W-2 program, any assistance I should say from the W-2 program, you have to go through this. Which there were a lot of people there that didn’t have the work skills, and what they were doing was just basically talking to them and telling them what they need to do. And they would just have to show up at the job… computer center and look up on the web for jobs, everyday. They would have to come and then they would give them bus passes and bus tickets or whatever the case may be. And as far as me, it wasn’t beneficial. Because it was basically that I already had work skills and background and whatever and it’s not helping me at all. But did they care, nope not one bit.815

Denise’s story suggests that if the job search activity is going to be a required activity, both as a pre-eligibility requirement or an activity on the employment ladder, then there should be some sort of follow–up by the FEP workers to help bridge the connections between the potential employer and the specific conditions of the recipient. Moreover, W-2 should try to expand its connections within the city of Milwaukee so that when applicants are struggling to find adequate employment, job search entries could actually fulfill a meaningful purpose within the program and the larger quest for quality job acquisition. As it stands however, the job search activity perpetuates poverty. With few opportunities attached to those searches, mothers have to engage in alternative ways to supplement their income.

815 Denise, Interview by author, 2005.
The W-2 Work First principle encourages recipients to engage in an informal and most often illicit economy in order to make ends meet. Governor Thompson initially proposed a W-2 monthly cash benefit of $555 for a CSJ placement instead of the current $673 and he proposed $518 for a W-2T placement instead of the current $628. Despite an increase of $118 or $110 respectively, many of the participants expressed dissatisfaction with the current amount. One can only imagine what the narratives of poverty would be like if the amount was $555. Nonetheless, the inadequacy of the cash grant of $673 seems to reveal itself in a variety of ways. In one way, the participants complain that while the grant of $673 under W-2 is higher than what had been initially proposed, more often than not the recipients receive partial checks. In some cases the partial checks are a result of sanctions imposed but other times it is not. In other cases, recipients simply complain that the full $673 is not enough to provide for basic needs. For example Shirley, a divorced mother of three children received W-2 benefits for ten months. Despite an extensive work history dating back to the 1980s, she was forced to seek out W-2 services because she was laid off from work. After a diligent search for employment, she could not find a job. In the face of those limitations, Shirley remarked:

> When you have to resort to doing something illegal just to survive, that’s, to me that’s taking away your moral values, but you wanna live, so you so desperate to eat or keep a roof over your head you do crazy stuff to get the money. And I could see that happening, because I do know people that sell their food stamps.

Despite Shirley’s lamentations about turning to the illicit economy, many recipients must put their moral reservations to the side in order to achieve self-sufficiency in a brutal labor market, while others go on to table the question of immorality at a public policy system that places low quality jobs over quality of life. In this study, every participant stated that they needed to

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816 Thompson, supra note 594 at 7.
817 Shirley, Interview by author, 2005.
supplement the cash benefit with an additional source of income in effect doing whatever it takes to support their families, as the FEP suggested be recipient’s focus. Twenty-six of the thirty participants were willing to admit that they had engaged in some type of illicit activity to supplement their income. Two participants denied engaging in such activities to supplement their income, but admitted that they had sold food stamps for cash on several occasions. Two participants denied engaging in illicit activities to supplement their income. Even with Jackie, who did not admit to illicit activities, it was hard to believe her story.818 Despite this, she is still counted among those who supplemented their W-2 wages with such activities as rummage sales and selling fried chicken dinners out of her home (which technically does not comply with zoning regulations for the commercial sale and distribution of food).

As another example of supplementing W-2 dollars with supplemental income take Shanida, a twenty-seven year old unmarried mother of three children who was on W-2 for four months. She has a twelfth grade education, but never received her diploma. She reported that she has never worked and was transitioned from W-2 to Social Security Disability Insurance (SSDI) because she has both a physical and mental disability. When asked whether the cash benefit was adequate to provide for her family and whether she needed additional income, Shanida replied:

No, no the money is not enough, it is not enough but I ain’t gonna do anything illegal but if I had some checks I ain’t gone lie I probably would have wrote a whole bunch of bogus checks, If I needed more money I just ask my grandmother, she helps me a lot, and I ain’t gone lie, I had to sell my food stamps.819

818 It did not appear that Jackie was very forthcoming with her narrative. I tried very hard not to be argumentative or point out contradictions in her story. However, because I made this choice, during review of her narrative there were some inconsistencies. With regard to her participation in illegal activity to supplement her income, it became very clear during the course of our communication that what she was saying to me was not completely truthful.  
819 Shanida, Interview by author, 2005.
Shanida fortunately had the support of her grandmother, but for participants not as fortunate, many engaged in more than one type of illegal activity to supplement income. Additionally, participants also engaged in legal activities to supplement income. Such activities included selling prepared food, baby sitting, alongside frequent rummage sales. Shanice explains;

I had to do a lot of things, I sold food, right in the field over there, we had nachos, we was barbecuing hotdogs, and we were selling pickles. And when that did not work, I sold a little weed on the side. I sold not a lot but enough so I could get stuff for my daughter and stuff and you know stuff for me too, not just for Keeyana. I did whatever it took to survive, I even did some dancing on the side, but no hanky panky stuff, no sex or touching and stuff, let me see, what else did I do, I sold my food stamps, but everybody sells their food stamps that’s no big deal. Other than that I guess that is all I did, but I had to do it because the money was just not enough and they sanctioned me all the time anyway so since I did not get no full check hardly or when I did get a full check it still was not enough, I had to go out there and hustle, you know I had to do what I had to do to make ends meet for me and my baby.\(^{820}\)

“I had to do what I had to do” for many women meant converting the only resources that they had at their avail which meant turning their food stamps, available drugs, and even their body into a commodity to supplement inadequate W-2 cash benefits. We find women all across the spectrum, ranging from those who stand within the bounds of legality to those who engage in a wide array of activities, finding ways to build a vision of self-sufficiency that far surpasses the W-2 vision of simply establishing “work readiness” or securing any kind of job.\(^ {821}\) The figure below displays the permeability between licit and illicit economies as mothers navigate the inadequacies of the W-2 program.

\(^{820}\) Shanice, Interview by author, 2005.
\(^{821}\) For an insightful discussion on the survival strategies of welfare mothers and the working poor, see, Edin and Lein, supra note 226.
Figure 6.4. Types of illegal activity by participants.

The figure above suggests that Work First encourages an informal economy; the combination of sanctions and wages below the poverty line produce an inadequate quality of life that must be subsidized via half-truths to avoid sanctions and illicit activities to supplement paltry wages. In this study twenty-eight of the participants admitted selling their food stamps or allowing others to use their Electronic Benefit Transfer (EBT) card. Ten of the participants admitted selling a controlled substance (i.e. crack or marijuana). Ten of the participants admitted to exotic / strip dancing. And, five participants admitted to engaging in prostitution. From one view, the fact that W-2 mothers engage in illegal activities seems to support critics of welfare who argue that the system justifies a culture of poverty and even vice. However, if we take the time to listen to the voices of these W-2 mothers and situate them within the conditions that welfare in fact helps to construct, a more complex picture emerges.
CONCLUSION

Many of these mothers share the Work First principle with state governments, perhaps to a higher degree. As all of these women demonstrate, work, almost any kind of work that would put food on the table and provide for their children, was within the bounds of possibility. While at the same time, many others maintained a strong moral code about what was beyond the boundary. The bottom line is that fixed, fast, and frozen rules that target an “ideal” type are many times a privilege of wealth. Perhaps if we delve deep enough into the lives of many people, even beyond the constant microscope placed on W-2 mothers, we can find that the bounds of illegality and legality have always been blurry. But in the case of W-2 mothers, their lives are simply just more open to our public scrutiny. In conclusion, we find that Work First is a principle that both clients and service providers in fact share. However, mothers here continually make the forceful argument that “self-sufficiency” goes far beyond establishing work readiness or acquiring “any kind of work.” We must situate the uniform quest for work within the larger context of a shifting labor market, the quality of life desired by recipients, and the inadequacy or even failure of certain W-2 initiatives to affect the kind of change desired by reform, let alone meet the many times more expansive interests of the mothers themselves. The caricature of lazy, manipulative, incompetent women getting rich off of “free money” does a disservice not only to the women struggling on W-2, but also justifies a callous and incompetent public-private partnership that exposes the pitfalls of the larger push to privatize public responsibilities.

Here I have attempted to lay out both the foundations and affects of the significant Work First principle that drives present-day welfare policy. Now I want to turn our attention to a major consequence of this shift: the privatization of public rights and resources. With the shift
of the welfare experience from a question of rights to one of market interests, a new economy has been generated for industrious sub-contractors, while their sometimes inhumane or at best callous policies towards recipients are shielded from public scrutiny.
CHAPTER 7

“THOSE PRIVATE COMPANIES” AND THE POLITICAL ECONOMY OF POVERTY

“One of the reasons W-2 is not working in Milwaukee is because those private companies are not so much concerned with the unfortunate and poor, but with how much of the money intended for the poor can be used to increase their own profits.”

Gerald McIntee, President of AFSCME Local 594, (1996)

The Company’s services are designed to make government operations more efficient and cost effective while improving the quality of the service provided to program beneficiaries...People helping People, that’s us, here at Maximus.

Jason DeParle

INTRODUCTION

I assure myself that this will be the last call I place to Mocha, a mother of one infant son who has been on W-2 for five months. Mocha, like many of the other mothers with whom I spoke, is weary of my intentions. She has scheduled and re-scheduled our meeting over six times. However, this day is different. I remind her of the countless cancellations and she remarks, “I am just trying to show you how W-2 is, see I’m teaching you something, you ain’t the only teacher.” She agrees to meet me in one hour, at her home. This is the first time she has given me her address. I am confident that the meeting will take place, but just in case, I pencil her into my calendar. The hour slips by quickly and I make my way over to Milwaukee’s North side. Mocha is outside waiting for me. It turns out that Mocha is actually homeless and she and her son have been staying with various relatives. The address she gave me did not belong to her, but to her son’s paternal grandmother. I offer a different location, a restaurant. As we make

DeParle, supra note 228 at 230, 232.
our way to the restaurant, I immediately begin the interview. I was interested in knowing which agency she had to report to because she did not have an address. What I remembered most about this initial discussion was the puzzled look on Mocha’s face. It was as if I had revealed something that she had never considered before when I suggested that as a homeless woman on W-2, she in fact had the power to manipulate the system for her own ends. With the privatization of welfare services, individual W-2 agencies were given sole dominion over particular neighborhoods or regions in the county. However, by not just simply being poor or dependent but in fact homeless, Mocha had the ability to legitimately work with whichever agency best served her regardless of the jurisdiction system set up by the new privatized initiatives.

In the twenty minutes or so to the restaurant, our complete discussion centers on how she had enrolled in both Maximus and YW-Works, two private W-2 agencies sub-contracted with the state, by simply using a relative’s and/or friend’s address when she became disgusted with the system. It had not occurred to her that with this very act, she had at least for the moment garnered the upper hand. I was proud, even elated to hear that she, as a representative of the women on W-2, had discovered how to crush the monopoly structure of privatized welfare. As I floated up to cloud nine, Mocha’s reality quickly burst my bubble. She revealed to me, that while all of the agencies may be owned and operated by different companies, whose main concern is to siphon Milwaukee County’s budget, Maximus was still W-2 just like YW-Works. And when it came to W-2, there was no possible upper edge that any client garnered unless W-2 allowed it. In Mocha’s eyes, she was still locked into the same system, with the same rules and with the same bottom line: to make a profit off her back. We finally arrived at the restaurant.

When welfare services were under the auspices of AFDC, the state and local governments of Wisconsin controlled access to the services and determined the rules of
eligibility. With the creation of the W-2 program however, the state of Wisconsin offered the program up for sale to the highest and most efficient bidder. To this end, the W-2 program offered contracts to private agencies to determine eligibility determinations and control case management services, employment placement, and all other welfare-related services. The state of Wisconsin solicited Request for Proposals (RFP) particularly in Milwaukee County, from private for-profit or non-profit agencies. In Milwaukee County, the local government was also allowed to submit an RFP to compete with private agencies. However, the county declined. Hence, the W-2 Program in Milwaukee became in all senses of the word, private. This section of the study looks at how a system of welfare privatization has affected the lives of African-American women on W-2. Here I focus on the most common understanding of privatization, where a government offers contracts to private organizations for services traditionally performed by local or state agencies. In some circumstances, this can include local and state participation, but in most cases, the government has completely turned the reigns of what were previously welfare services over to private agencies. At the heart of privatization is the idea that market-based competition among for-profit agencies will increase the quality of services. But in Wisconsin this competition only occurs through the initial bidding process. Because Milwaukee County is divided into zones that are then controlled by a single agency, once a single private agency wins the contract, other agencies are prevented from handling clients located in that

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823 The state of Wisconsin gave each county the opportunity to have the first right of refusal to administer the W-2 program if they met certain requirements, including caseload reductions. Counties which met those requirements were allowed to administer the program without participating in the bidding process. Those, including Milwaukee County, which did not, would have to submit a competitive bid. See, Hudson Institute, http://www.hudson.org/files/publications/privatization_works.pdf (accessed January 15, 2009).

particular W-2 zone. This particular organization of W-2 in effect eliminates the possibility for competition in that zone, even within the world of privatization.\footnote{See, Figure 4.1. W-2 contracts are generally three years, \url{http://dcf.wisconsin.gov/w2/contracts/20062009/default.htm} (accessed October 18, 2010).}

Through the voices of the women in this study, we can gain an alternate lens through which to see how the state facilitated a system of privatization where counties became subcontractors securing a market share of W-2’s administration. This process of privatization created a system where welfare mothers were unclear about competing regulations between federal and state service providers and the consequences of different rules governing policy violation. FEPs replaced social workers and were given more autonomy to create an even more antagonistic relationship between providers and recipients. And finally, when market relationships were introduced into the bureaucratic production of public services, the program moved from working within a standard of social justice driven by the right to social welfare toward evaluating administrative decisions based on a market logic of costs and benefits.

\textit{A Brief History}

Before AFDC was enacted through the Social Security Act of 1935 and the birth of the New Deal, most if not all social services were handled by private religious and charitable organizations.\footnote{Steven Rathgeb Smith and Michael Lipsky, \textit{Nonprofits for Hire: The Welfare State in the Age of Contracting} (Cambridge: Harvard University Press, 1993).} However, with the onset of the Great Depression and because of the economic crisis affecting private religious and charitable organizations, the state and local governments began to provide public funding for social services. In the 1960s, we witness an overhaul of government funding for social services and this increase in participation by the government continued until the mid-1990s with the introduction and implementation of the PRWORA and
block grants. However, most particularly, in recent years the federal government has withdrawn
federal entitlement to fund state welfare programs. In its place, the private sector has
reinvented itself and reemerged as the leader in providing welfare services to indigent clients.
The federal government has divested its interest in providing for the poor and has offered
significant contracts to for-profit and non-profit agencies for a variety of social services.

Under AFDC the state paid more attention to the conditions for eligibility, i.e. man-in-
the-house rule, residency requirements etc. With the advent of welfare reform, the focus
shifted away from examining who was eligible for social services to determining how to make as
many people as possible ineligible by emphasizing the need to work. Diversion programs were
created or in states like Wisconsin accelerated to de-emphasize welfare cash assistance and
situate applicants within employment opportunities. In fact under the new law, states were
required to report a ninety percent rate of employment for families receiving assistance under the
TANF block grants in 2002. This mandate by the federal government encouraged a
convergence between public and private institutions in solving the “welfare problem”.

Moreover, the public outcry against the reported years of public assistance program

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827 When welfare changed from AFDC to PRWORA in 1996, much of the federal funding was consolidated into a
TANF block grant. Once a grant amount has been determined, this amount is fixed for upwards of six years.
Within this time period, the amount will not change. By example, the amount that is calculated for the block grant
during the FFY 1996 – 2002 was calculated based on the highest amount received by a state from either the fiscal
budget of welfare related expenditures for a state from 1992 – 1994 or any AFDC expenditures paid in 1994 or “4/3s
required to contribute at least 75 – 80% of what it spent the prior year on its welfare program. This contribution is
based on whether the state met the federal work requirement. Additionally, if a state fails to comply with federal
standards, the TANF grant will be reduced by up to 5%.

828 Smith and Lipsky, supra note 827.

829 See, Chapter 2 of this study.

mismanagement under AFDC suggested that perhaps charitable and private organization could better meet the employment demands of the rising welfare roll.\footnote{Sanger, supra note 823.}

Scholars contend that local and state governments have steadily contracted out services because of dissatisfaction with the welfare system under AFDC, the implementation of welfare reform and the passage of PRWORA, and cynicism over whether the state and local governments could adequately perform effectively under the new program.\footnote{Bane and Ellwood, supra note 21.} Before the enactment of PRWORA, critical scholars argued that the current welfare system under AFDC created dependent recipients without any motivation to be independent and economically self-sufficient.\footnote{Bane and Ellwood, supra note 21.} Therefore changing “welfare as we know it,” not only meant changing the structure of welfare, but also re-organizing who would run the program. With this view, allowing private for-profit or not-for profit organizations to take a turn at running the program would introduce a new efficiency and productivity not just to the women but to the program itself by simply getting women off the rolls.\footnote{Matthew Diller, “The Revolution in Welfare Administration: Rules, Discretion and Entrepreneurial Government,” \textit{New York University Law Review} 75, no. 5 (2000): 1121.} Further, the federal government no longer matched state spending on welfare and states were now given a set amount of money under the TANF block grant system. Therefore, it was in the best interest of the state to create a more efficient and cost-effective system under the new law. In fact, the passage of the PRWORA spawned a new interest in privatizing social services. Policy analyst, Pamela Winston, contends that states were interested in privatizing the welfare system because it gave states the opportunity to “reap some of their TANF savings…use the funds for other purposes… free them from the federal oversight entailed in the AFDC quality control system, and allowed them greater flexibility to set their own rules
and measures of program success.”

The privatization of social services, if administered properly, could benefit fiscally strapped states by shifting some of their public burden onto private companies in ways that provided a new infusion of federal funds without federal oversight or state responsibility for a growing poverty class.

PRWORA moved away from state and local authorities as the dominant authority in charge of provision for the poor. Moreover, PRWORA’s legislation authorized churches and other charitable organizations to provide welfare services. Hence private and charitable organizations could make their own determinations for eligibility. Without governmental oversight determining eligibility requirements, PRWORA birthed a new market economy for privatized social services. However, determination of eligibility for food stamps and Medicaid still remained under the auspice of state and local authorities. Again through waivers, the state of Wisconsin was able to institute the privatization of its W-2 program even before PRWORA became law. The figure below briefly outlines the administrative effects of privatizing welfare services.

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836 PRWORA Title I, Section 104, 1996.
837 Ibid.
SERVICES PRIVATIZED UNDER PRWORA

(AND W-2)

Case Management: intake and diversion activities, Eligibility, case monitoring and tracking, and sanctions for noncompliance.

Employment Services: job search and placement assistance, work experience, education, and training.

Support Services: Child care, transportation, mental health, substance abuse treatment and domestic violence counseling.

Figure 7.1 Services privatized under PRWORA (and W-2)

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The figure above is reflective of both the services authorized under TANF to be privatized and those which are in fact implemented by the W-2 agencies in Milwaukee County. In 1997, Wisconsin allowed both private agencies and local governments to bid for contracts to administer the W-2 program. In Milwaukee County exclusively, all RFPs were given to private agencies.  

Wisconsin and Milwaukee County in particular, allow both for-profit and not-for-profit organizations to administer W-2 programs. In Milwaukee County, there have been at least five organizations awarded contracts to run W-2 agencies: Goodwill Industries, Opportunities Industrialization Center of Greater Milwaukee (OIC-GM), United Migrant Opportunity Services (UMOS), YW – Works, and Maximus. The female participants in this study were clients of OIC, UMOS, YW- Works, or Maximus. In 2004, OIC-GM was the largest provider of W-2 services in the state of Wisconsin. Over fifty percent of clients enrolled in W-2 were assigned to the region in which OIC-GM was responsible. OIC-GM is a community based non-profit organization, providing services to the low-income community in Milwaukee County. OIC-GM was awarded its first contract as a W-2 provider in 1997. Currently, UMOS is the largest provider for W-2 clients in the state of Wisconsin. UMOS is a private non-profit organization which offers employment and job training services to the largely Latino migrant community in Milwaukee. In 1997, UMOS received a three-year contract from the State of Wisconsin to operate the W-2 program.  

842 Ibid.
843 Ibid.
844 Ibid.
845 Ibid.
846 Ibid.
organization created by the YWCA, Kaiser Group, and CNR Health, Inc. in 1997.\textsuperscript{848} That same year, YW-Works was awarded a contract to administer the W-2 program. In 2003, YW-Works serviced roughly 1700 W-2 Clients.\textsuperscript{849} Lastly, Maximus is a nation-wide for-profit organization that was awarded a contract to administer the W-2 program in Milwaukee County in 1997.

All of these organizations were given the autonomy to administer the program in the way that they deemed appropriate. As can be imagined, uniformity of services provided by the W-2 program disappeared. The next section argues that with W-2, the state of Wisconsin facilitated a system of privatization where counties became subcontractors, particularly in Milwaukee in order to secure a market share of the welfare administration. This process of privatization created a system where welfare mothers were unclear about competing regulation systems and varied thresholds for the violation of policy. This varied structure of W-2 administration produced a lack of clarity about policies and programs available to recipients in a way that had deleterious effects on their ability to navigate the program. For example, many of the participants in this study, were never advised of the availability of the Job Access Loan (JAL).

\textit{Lack of Uniformity}

With the privatization of welfare programs, networks of authority, information, and adjudication were decentralized. What this meant on the ground was that Milwaukee County was organized into discreet provider zones where the state awarded pre-existing private institutions complete domain over a specific zone. Ideally, this could mean a more intimate


\textsuperscript{849} There were over 9000 W-2 clients in Milwaukee County; \textit{Ibid.} at 11; \textit{The Business Journal of Milwaukee}, http://www.bizjournals.com/milwaukee/stories/2003/02/17 (accessed January 15, 2009).
relationship between welfare provider and client. In reality however, welfare mothers complained that they were unclear about what rules they were to follow (state, county, or private agency), which led to the higher possibility for policy infraction. Policy infraction became the driving mode through which these private institutions pushed women off the rolls and hence generated more revenue (largely by providing partial checks) within the privatized era.

Privatization in Milwaukee County has produced a system that allows private agencies to monopolize services given to low-income families because of the specified zones. Since agencies are given autonomy to carry out the mandate of W-2 services, there is an arbitrary application of rules without clear and consistent standards, thus creating not only confusion amongst the clients, but also frustration. Lastly, because FEP workers are given the discretion to interpret the EP and dole out services they deem appropriate, clients are disadvantaged because this discretion limits their knowledge about benefits they may need to attain the much vaunted self-sufficiency. Discrepancies in administration, in turn, produce a cycle of essentially keeping W-2 clients at the economic bottom; relegating them to a caste status where misinformation, code violation, and hence poverty prevail.

**Monopoly of services.**

Each agency manages a particular geographic area and is responsible for providing all services to the W-2 participants in that area. Below is a map that designates the dispersal of W-2 contracts in Milwaukee County. Maximus is responsible for servicing W-2 clients in the Northwest and Southwest Regions. YW-Works is responsible for handling W-2 clients in the Northeast Region. The Central and Southeast regions are covered by UMOS.
Figure 7.2 Milwaukee W-2 Regions Map
Within the privatized W-2 system, the state assigns one agency to govern an entire zone within Milwaukee County. This process of de-centralization could potentially provide an unprecedented amount of intimacy and interaction between recipients’ needs and the service providers. The structure of W-2 in Milwaukee County can easily be understood within a pro-capitalist model of governance. Here, there is great potential to establish a direct correlation between the performance efficiency of the service provider—the agency and legion of FEP workers—and a corollary generation of revenue. Yet the monopoly framework of the zone paradigm does not operate within the principles of a free market, where capitalism dictates that efficiency and productivity are generated by choice and competition. There is an almost feudal system here, where the service provider has sole domain over a zone, eliminating the possibility for client choice and hence dismantling the infrastructure for competition that would ideally maximize service efficiency. W-2 private contractors have been given a monopoly in their particular zone to provide services, good or bad. Take for example, the experience of Denese:

I don’t have a choice, I have to go to this agency here and accept whatever kind of treatment they give me cause I can’t go no place else. At first I went over to YWorks on Reservoir, but they wouldn’t help me because they said that I had to go up to Maximus on 76th, that’s three buses away. The people at YWorks seem like they want to help you, but at Maximus it’s just so many people, we don’t mean nothing to nobody, they tell you just sit and wait and when you finally get a chance to see someone, you got to come back because they say you forgot something. When you come back they don’t tell you ever’thing because I know that you can get a loan and not have to pay it back, but I never got told about no loan by none of my FEP workers. 850

Denese’s experience suggests that when agencies are allowed to monopolize services, clients suffer because protocol is much more important than personal needs. Instead of allowing her to apply for W-2 at the first agency, she was alienated and discouraged. If the W-2 program’s real

850 Denese, Interview by author, 2005.
intent is to help people transition from dependency to independence it seems that the agencies would help facilitate an easier navigation of the W-2 system rather than send clients on a wild goose chase or turn them away. Undoubtedly, there may be arguments that if clients are allowed to utilize any agency they choose, some agencies would have an overload of clients due to superior service, while others may not have enough. However, if there were truly a free market system, then those agencies that lose clients would be required to be more efficient and competitive. The way in which Milwaukee County’s W-2 program is organized; efficiency and competition are in fact discouraged. Allowing W-2 providers to purchase a monopoly in a particular region not only discourages provider competition and client choice, but it also allows W-2 regulations to be arbitrarily applied and arbitrarily interpreted thus producing a lack of clarity and uniformity in program administration. FEP worker #1 revealed, “Each W-2 agency has the discretion to run their program how they want, they can’t violate no policies, but other than that, UMOS don’t have to be like OIC and OIC don’t have to be like Maximus. They are all separate.”

Women in this study consistently complained about the lack of uniformity and consistency of rule interpretation and enforcement when it came to services provided or information given. While the amount of cash benefit is consistent across all agencies, the other services and benefits provided may differ significantly. In some cases, clients may receive a benefits windfall; where FEP workers are inept, inattentive, and over worked. Mocha boasted, “I simply went through the motions of doing the minimal of what the program required because no

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851 While W-2 agencies are limited to two – three year contracts at a time, they have the first right of refusal for renewal of the terms of the contract.
852 FEP, Interview by author, 2005.
one checks to make sure I am doing more." But more often than not it is the clients who suffer from the variation in services. “W-2 ain't consistent and you can't balance a budget because your money gets lowered and you don't know why,” complained Angel. Most often, FEP workers across agencies do not provide clients with the same information or the information provided is inaccurate even about services provided that transcend sub-contracting lines. By example, when asked if the women in this study were aware of the JAL, about half of the participants were familiar with JAL. However, other than telling me that the loan was in the amount of $1600, none of the recipients understood when they were eligible, what the repayment terms were, or the community service alternative to repayment. What is revealing about this information is that lack of clarity in information interferes with the service provided. Most strikingly, this example goes against the mission of W-2 -- to help mothers transition from welfare to work. More importantly, clients are denied access to resources earmarked for them because of the difference in how information is being disseminated by FEP workers and W-2 agencies. In the case of the JAL, the information about the payment terms becomes crucial because if W-2 clients are not made aware of the terms and conditions, including the penalties, they could suffer for not meeting the payment schedule or alternatively miss the opportunity to take advantage of the community service option to assist in repaying the loan.

More often than not, participants in this study blamed the lack of uniformity on the incompetence of the FEP workers. Angel, a mother of one son has been on W-2 for sixteen months, noted:

FEP workers are unprofessional and they don’t know all of the information. Some of them were ex-W-2 [recipients,] which I don’t like

853 Mocha, Interview by author, 2005.
854 Angel, Interview by author, 2005.
because they have access to my private information. But they don’t have no college, no high school diploma and no GED how they gone help me get ahead. And if they used to be on W-2 there ain’t no way they are gone tell me all the services I can get to get ahead, especially if they think I am gone get ahead of them.855

Here, Angel is frustrated with not only the lack of uniformity in services provided but also the perceived lack of empathy on the part of the FEP workers. Since FEP workers are the main point of contact for the clients, they unfairly bear the brunt of client frustration for the sins of the larger agency. In this regard, the participants in this study blamed FEP workers for every conceivable administrative problem. Shanice commented:

These FEP workers think their shit don’t stink, excuse me Ms. Bridgette, but it is true, they go around making their own rules up, don’t give you no breaks like it’s their money, they lose your papers, at this place you get one set of information, but my cousin who goes to this other place she get other information and my friend over here get other information. You can’t trust those FEP workers to tell you nothing, they don’t do their job good, they don’t know nothing, they don’t care about you and some of them they should be ashamed of how they treat you especially the black ones, but sometimes they treat you the worst. They don’t have no training, that’s what it is, absolutely no training so they just tell you any old thing, while you are out there suffering trying to get some assistance for your babies.856

To be sure some level of arbitrary discretion rests with FEP workers, but this quote also demonstrates how the callousness and inefficiency of the system is transposed onto individual subjects in ways that prevent clients from identifying the larger problem. While FEP worker competency can account for some of the inconsistencies in the way in which the particular program is administered there are other factors that may also influence the lack of uniformity: FEP worker discretion and skyrocketing caseloads. Deniese noted:

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855 Angel, Interview by author, 2005.
856 Shanice, Interview by author, 2005.
FEP workers can really help you if they want to, if they think you got potential then they will tell you about programs like WIA or get you into a training job or pay for your certification for child care. But if they don’t think you worth it they will give you a few checks for a couple of months and then say you job ready and there you go. \(^{857}\)

It appears that some FEP workers are at least willing to take a chance on participants who they think are trying to become self-sufficient. In this regard, discretionary actions become beneficial to the particular clients. In assessing the individual needs of clients, it would appear that inconsistency in administration becomes a positive action. However, when you consider the limited number of times that a FEP worker takes a client under his or her wing, amidst overwhelming caseloads and unrelenting demands to get women off the rolls, the benefits of FEP worker discretion prove negligible at best and definitely arbitrary. \(^{858}\)

Additionally, Milwaukee County has the highest W-2 caseload in the state of Wisconsin. With only five zones of services, there is no doubt that caseloads are invariably high. While I could not get verification of a particular caseload limit, FEP#1 indicated that at times a FEP worker could have over 200 active clients and another 200 – 300 clients that were simply receiving case management services. The implication of a high caseload translates into a mechanization of services—high caseloads, little time, no quality consistency and perhaps a lowest common denomination approach to service. One of the end results is that the client is not just subject to the whims of a hostile labor market but they are also subject to the travails of a callous workfare system. Here, overburdened FEP workers provide an arbitrary dissemination of information, which results in limited access to a wider range of aid and assistance, further reinforcing the working poor status of the women on W-2.

\(^{857}\) Deniese, Interview by author, 2005.

Despite the renewed focus on independence in the workfare era and a renewed interest in self-help, women in this study maintain that W-2 has thrown them into a world of privatized service provisions where self-sufficiency translates into entering the ranks of the working poor. At its inception, W-2 was interested in moving mothers out of the public welfare state and into the private sphere of work, any work, so long as the mother was earning a wage. While it must be recognized that in many cases mothers who move off of welfare and into the workforce do achieve a modest increase in economic sustainability, more often it is the case that mothers move into the workforce arena only to make salaries which are equal to their previous welfare payments or in some cases significantly less, without the same health or childcare benefits. In this particular study, many of the mothers expressed frustration with the lateral and many times downward move from public benefits to private wages. By way of example Cynthia, who transitioned from AFDC to W-2 in 1997 and remained on W-2 until her time limit expired, has this to say:

I don’t mind working, but if I’m gone work I want to make more money than AFDC or W-2 would give me or else what’s the point. Why should I go out and bust my back for less than $6 dollars an hour at some place lack Burger King and they only give me 20 hours a week and I have to feed my children. That don’t make no sense. It’s not like I don’t want to work, but I know that’s what you think, Ms. Bridgette, I’m lazy and I just don’t want to work, but that is not the case, I don’t want to be no slave for nobody—I don’t have no lot of kids, I don’t just go get pregnant for no check, but I do have kids and they are here and it ain’t their fault. I am not trying to get rich off welfare, but damn, I ain’t trying to stay poor either. W-2 sending me out to work and it seem like I ain’t making hardly no money at all. This job don’t want me and they damn sho’ don’t want to pay me nothing. All us mothers out here who strugglin’ on welfare and W-2 and now that we have to work, we still struggling, cause it’s not enough money and in my case it’s less. I need help, not a hand out but a real job, where I can feel proud of myself to go to work, where I can get

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things my kids need and things that they want sometimes too. I need a real job to make real money so I don’t have to live here in this neighborhood, but between that little old job I have and W-2 this is all I can afford. W-2 ain’t really helped me cause I am still po’ (laughing at this last statement) and as long as I’m on W-2 I think I’m gone stay poor.860

Here Cynthia expresses the sentiment of many mothers who participated in the study. She powerfully encapsulates what can be called the paradox of self-reliance so romantically tied to the world of wage labor. On the one hand, the W-2 system dictates that women must get off the rolls and work and in fact women want to do just that. But on the other hand, there are competing understandings of what self-reliance means. Welfare officials relegate these women to the arguably most visible sign of self-reliance: working for wages. But the women understand that self-reliance must be connected to sustainability. In the end, legions of women working with wages but without self-sufficiency provide a poignant evaluation of the transition from welfare to workfare.

Costs and Benefits Replace Social Justice

The Company’s services are designed to make government operations more efficient and cost effective while improving the quality of the service provided to program beneficiaries...People helping People, that’s us, here at Maximus.

Jason DeParle861

Social services are profit driven.

When market relationships were introduced into the bureaucratic production of public services, the program moved from a standard of social justice to a market logic of costs and benefits. In Milwaukee County alone, there have been at least five agencies holding contracts to administer the W-2 Program. Some organizations have been not-for-profit while others are for-

860 Cynthia, Interview by author, 2005.
861 Deparle, supra note 228 at 230, 232.
profit. In the case of the for-profit business, the organization expects to increase their revenue. This profit-driven orientation motivates agencies such as YW-Works or Maximus to accept contracts to administer W-2 services. Private companies want to stay in business, therefore they engage in behavior which will generate the most profit. They attempt to establish reputations in the community to attract consumers, they train their employees in both the skills needed to operate the company and perform customer service. They stand by their products or services with eye-appealing advertisements and quality control guarantees. In most cases, it is assumed and understood that there is a general presumption and one major claim about privatization; a market-based approach assures competition, which in turn generates a climate for efficiency and productivity. However in the current formation of the workfare era and the creation of W-2, this is not the case. Take for example, this insightful observation by Delilah.

Do you really know how the program works, let me tell you, there are about two or three agencies to cover the whole city of Milwaukee, but it is not like McDonalds or Burger King—you definitely can’t have it your way…(laughing) And I cannot pick the one I want to go to, I am told which one I have to use and all they want to do is make money, enroll me to count me as a person who they got off—you know that is how they make their money, off the backs of the poor and kicking us off saying we job ready without no skills.862

This quote by Delilah reveals that within Milwaukee County’s existing W-2 structure, there are not a number of for-profit welfare service providers competing against one another for client loyalty.

Of the five agencies holding contracts for W-2 only two, YW-Works and Maximus, have been for-profit organizations. However, because of the zoning of participants, YW-works will never have to compete with Maximus for clients. In fact what we witness with W-2 is the classic

862 Delilah, Interview by author, 2005.
monopoly system. The current formation of the W-2 program assigns one single institution to an area of town known as a zone within the welfare system. Therefore, if you are a W-2 client within a particular zone you only have one option for service, good or bad. The end result, despite appeals to a competitive and efficient W-2 program under capitalism, generates a monopoly environment that heightens callousness and evades accountability.

I could not believe it; I waited here all day, only to find out that my papers were lost. And because I did not have a copy, it was my fault. And who could I complain to, her supervisor, who gonna take her side, his supervisor who probably getting fat off the money they making from the state, the [state] rep who ain’t gonna listen to no welfare mother without work skills or an education.

In the private business arena, the presumption is that the business will produce the most efficient product or service in ways that simultaneously maximize their profit margins. The observations here are not meant to suggest that governmental control would necessarily produce greater efficiency. But under the model of public aid, cost-efficiency and profit should not be the benchmarks. Moreover, a public aid approach would leave open the possibilities to hold decisions up to the scrutiny of a citizenry, the voting power of both state residents and recipients, as oppose to simply the limited interest of a board of trustees or the laws of a workfare market that is itself maintain by taxpayers dollars. The end result in Wisconsin’s privatize regimen is that the lack of competition produces an inferior product without marketplace consequences. As a case in point, FEP #1 revealed:

These companies here who come and take over W-2 have a business agenda and I like it, it changes the whole image of what this organization should be about. Work not handouts. Don’t get me wrong there are many many many problems, unqualified workers, who used to be recipients, we do sometimes, and I can admit this because you aren’t giving my name,

863 See, Figure 7.2.
864 Special, Interview by author, 2005.
right, that I have misplaced paper work, but I have many clients and it should be their responsibility to have their paper work in order not mine, I know if I really needed this I would have my things in order. In any case I like the fact that we are a business, we are not welfare.\textsuperscript{865}

When we look at this quote and place it along side of Maximus’ operating policies for example, one can definitely witness a change in approach as to how welfare services are administered. Even as the FEP worker celebrated a change in image, from welfare agency to business, she also revealed that a market approach did not necessarily eliminate inefficiency and if fact brought a new set of concerns.

Maximus was the only W-2 agency openly traded on the New York Stock Exchange.\textsuperscript{866} As social services became a commodity it changed the whole approach to the administration of welfare—people could now buy a share of a company based on the profitability of welfare. In fact, the share price increased over two-thirds after Maximus was awarded the W-2-contract in Milwaukee County.\textsuperscript{867} This era ushered in a strategic move from social programming to profitability. Hence, as Maximus and other for-profit business tried to generate a corporate image for welfare, policies instituted under W-2 had to be profit-driven. A FEP worker remarked:

\begin{quote}
We were never told exactly or directly that we had to make people job ready. But you got this sense that it was better for you as a FEP worker if you did. Because we got bonuses and so did the company. The more people who were job ready or not using the financial part of W-2 the more money was left over. And, they got to keep a lot of the money if they weren’t using it for services. I am not sure how much money the company actually got to keep, but I know it was more than a million dollars.\textsuperscript{868}
\end{quote}

\textsuperscript{865} FEP, Interview by author, 2005. \\
\textsuperscript{866} DeParle, \textit{supra} note 228. \\
\textsuperscript{867} \textit{Ibid}. \\
\textsuperscript{868} FEP, Interview by author, 2005.
As reveal here by FEP #1, under a profit-driven model, there is no longer the social programming image or focus, where help is given based on need. Instead the market-based approach requires W-2 agencies to market themselves as being profitable or efficient in getting clients off the rolls—even if the goal originally was to help those in need. Maximus has been awarded contracts as the administrator of W-2 with a value in excess of 107.7 million dollars.\footnote{Maximus, Inc., \textit{Administration of the Wisconsin Works Program}, http://www.legis.state.wi.us/LaB/reports/maximus.pdf (accessed April 1, 2009).} To be sure, welfare is big business but not for the proverbial welfare queen with multiple children that we caricature as getting rich off the rolls. Here, the gross accumulation of wealth is reserved for the subcontracting agencies.

Not only do we see welfare converted to a large money making industry but the method by which money is generated may also cause one to pause. Helping those in need does not generate profit but under W-2 there are in fact a range of economic incentives. Individual service workers receive bonuses and contracted employers receive cash benefits based on shrinking the rolls. This subtle approach encourages welfare to solely be an initiative to eliminate the rolls without any concern for aftercare. The following figure may not speak for itself, but says volumes about the gross shift in the approach to welfare based on the rapid decline in the rolls after the rise of the for-profit paradigm.
Figure 7.3. Total AFDC/W-2 cases with a cash benefit.

This above figure reveals that in the state of Wisconsin, there were close to 100,000 participants in AFDC.\textsuperscript{870} When Maximus was awarded a contract to administer W-2 in 1997, there were approximately 35,000 participants in W-2. In just a year, a little less than forty percent

(approximately 20,000) of the participants were no longer participating in W-2. While the general goal of W-2 at its inception was to get people off the welfare rolls, the for-profit approach enhances that agenda because increasing the revenue of private companies on the backs of the poor is not perceived as being wrong. Instead agencies highlight that somehow the business of welfare is to eliminate welfare recipients, shrinking the rolls is profitable, and the “end of welfare as we know it” is a public good.

In this context, profitability has shifted the welfare agenda from the realm of serving citizens to the realm of marketing to consumers (both the state and potential work sites). Much of the ethic around W-2 and welfare, in particular, has been an idea of providing a better quality of life for recipients, but can a for-profit model provide this within a W-2 framework? This is a question that can be posed not only from the perspective of the client or the cost benefit approach of the new welfare industry, but is an issue that shrouds the work place environment and realities of those caught in the proverbial middle: the FEP worker.

**Profits induce pressure to perform.**

FEP workers are also exposed to a set of undue pressures. If their professional goal is to clear cases (which in the privatized era no longer means to solve mother’s problems), then they are evaluated in their job performance based on how many mothers they get off the welfare rolls. A FEP worker confirms:

So as you can see there is a lot of pressure to clear those cases, at least if I want to keep my job and keep getting those bonuses (laughing). I like the bonuses, but no seriously. I try to help people, but if there is any indication that this person should be at least trying on their own, I think that they are job ready, that there is really nothing we can do for them. As a person I feel bad because I can understand sometimes where they are
coming from, but at the same time, I have a job to do. You can see how this could be stressful, I have one devil at one end telling me I have to well not directly but making me feel like I have to get my case load down and I know I have to get it down. And I have a devil at the other end, begging me to give them an extension or not to sanction them or whatever. Sometimes I go home at night and I don’t want to hear a word from anyone.\textsuperscript{871}

While this study does not suggest that there were conspiratorial practices afoot in any W-2 agency, one can intuit that FEP workers were at least encouraged to remove women from the financial support categories on the W-2 ladder and into the job ready status. This pressure was revealed in the possibility of bonuses that could be reaped at the end of the fiscal year or at least the security of employment for quality FEP job performance. Unsurprisingly, not only did the FEP workers in this study reveal the complexity of the pressures associated with finding appropriate placement for the W-2 participants, but also the W-2 mothers reflected on their frustrations with these over-worked FEP workers:

Every time I go and see my FEP, she is in a bad mood well she is in one to me and she always asking me if I found a job yet—there ain’t no jobs and the more she keep asking me ain’t gonna make me have a job. I believe that that’s all they want to do is to put us in these jobs cleaning toilets and stuff and that’s it so they can keep that money. There was this big scandal with this one agency so I know they get to keep that money. Every time, I am telling you she asks me if I been looking for a job as if that’s all I have to do I mean I do look for a job, but no one trying to hire me except if I want to clean they toilet or work in a nursing home wiping someone’s ass and my baby out of diapers so why do I want to do that for. You see they have lots of cases too, so they just want to get rid of some of us, but until I find a job that’s good for me and good for my you know my life you know what I am trying to say then I am going to stay on W-2 until I can really find something and I wish she quit asking me if I have a job cuz I don’t.\textsuperscript{872}

This statement reveals that W-2 participants were not immune from the profit margin pressures associated with decreasing the numbers of enrollees in W-2. In fact, W-2 clients become

\textsuperscript{871} FEP, Interview by author, 2005.
\textsuperscript{872} Special, Interview by author, 2005.
unwitting participants in their own demise. The very fact that W-2 participants have a difficult time navigating or receiving help within the W-2 industry is the condition upon which W-2 as an industry measures success. FEP workers are encouraged to reduce their caseloads. It goes without saying that higher caseloads could produce inefficient work product. Therefore it would make sense to attempt to move W-2 participants into self-sufficient positions or at least make it difficult for mothers to gain access to resources that may discourage a more efficient path to job readiness or resources that more effectively diminish the profit margin of a contracted agency.

However, there are consequences when welfare becomes a private institution whose profit is generated by moving women off the rolls. Not only is the quality of life of W-2 mothers removed from the rolls at stake, but also the quality of services provided to the remaining W-2 mothers by stressed FEP workers. The mediating function between FEP workers and W-2 clients continues to be a supply and demand relationship that rests on the issue of need. However, amidst a privatization of the welfare system, the very terms on which need is defined has shifted from the everyday survival and upward mobility of clients, to the job security of FEP workers and the downsizing of social possibility for everyone involved. In the end, FEP workers, alongside most centrally clients, must take the complicated, messy, and uneven realities of their everyday lives and convert them into commodities that can be deemed profitable for what has become a welfare industry.

**Commodification of need.**

In a free market capitalist system, all social relations take on a commodity value. When welfare services become privatized, that free market gives them meaning. However because the

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873 The basic premise emerges from Karl Marx’s general theory of commodity Fetishism, which argues that in capitalist societies social relationships are transformed into seemingly objective relationships between commodities or other forms of market exchange (i.e. currency). However, later scholars have also gone on to explore the
government, to a certain extent is still involved in regulation, in reality welfare services are placed in what is called a mixed market—one where there is a mixture of private and governmental control of the product or service that has been commodified. In any case, commodification of services transforms welfare benefits into what the participants refer to as “labor for sale to the highest bidder.” According to Naomi:

This system is all messed up. You have people out here hustling trying to make ends meet and W-2 don’t care. In the beginning when everyone knew what the hell they were doing, I guess there were or it seem like there were more opportunities, but now no one knows what the hell is going on too many ex-W-2 workers as FEP workers and it seems to me that labor is for sale to the highest bidder no matter what your skill level is. I have been in this CSJ for damn near the end of my time and it is not an advantage for them to put me in a regular job because then they don’t get paid as long as I am here because they can’t say I am job ready so as long as I am here they get paid.

As this participant reveals, the very needs of W-2 recipients are also a commodity and subject to be sold in the mixed market like any other product or service. This translates into FEP workers establishing certain need matrices—where they do not look at the individual recipient, but they convert the individual person’s experience into distinct and discreet parts to fit in the matrix.

If the actual needs of the recipient do not meet the matrix then the recipient has to mold their need to make them more commodifiable or translatable within the W-2 market system.

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874 “A economy in which a substantial number, though by no means all, of the activities of production, distribution and exchange are undertaken by the government, and there is more interference by the State than there would be in a market economy. A mixed economy thus combines the characteristics of both Capitalism and Socialism.” See, Allen Bullock and Stephen Trombley, eds. The Norton Dictionary of Modern Thought, 3rd sub. ed. (New York: W.W. Norton and Company, 1999).

875 Naomi, Interview by author, 2005.
So my husband was beating on me and I needed to get away from him, so I came here to Milwaukee. Because I did not have any family here or nothing, I had to start over and I needed help. But because I am educated and I had a significant work history, I would have been considered job ready, which meant no funds. I could not understand this, so I had to act like I was helpless, need counseling you know for domestic violence, in order for them to help me. They take your soul—they don’t want you coming in here with your head held up high, brains or a little dignity. If you do you are not going to receive any help. I had to come in beaten and worn, acting helpless or else my babies were going to starve. So I played the game they wanted me to play, I went to domestic violence counseling, I said the things they wanted me to say in order to get help.  

While the participant readily admits to domestic violence issues in her relationship, which warrant adequate attention—it is her willful conversion of her social experience into a marketable experience which makes this statement so revealing. Ideally one would think that Ann would be the perfect candidate for W-2 as it represents itself as a transitional phase on the road to upward mobility. She seems to embody such a profile. However, the very way in which she has to repackage her experience to make it marketable based on the services provided by the welfare industry and this suggests a more pernicious industry. The exchange here between the woman and the understated requirements for domestic violence aid suggests that the welfare system is in fact predicated on generating a new brand. That brand appears to be an under-skilled, low-wage worker for the neo-liberal service economy, giving a whole new meaning to the term “job ready.”

The reality of this mixed market system is that the market exists to benefit the private agencies and not the welfare recipients themselves. This approach is revealed through a number of avenues, such as the monopoly of services by single agencies and the establishment of the low-skilled working poor brand. When the recipient has reached their twenty-four month time

\footnote{Ann, Interview by author, 2005.}
If they have secured employment, then the W-2 program has done its job and the private industry wins. However, if they have not secured employment, the private industry still wins because they reap the contractual windfall of removing yet another person from the program.

I am going to tell you the truth, it is hard out there. I have tried to find a job and I look on the computer and in the newspaper. But no one does not want to hire me. I am not saying it's racist or discrimination, there are just no jobs out there for us, it is too many of us and not enough jobs. But what I don't understand though is how are all these Maximus and Y works and OIC still in business if they can't find no job for me.

This woman is demonstrating the ill effects of what can be understood as the development of a reserve labor force, where we have a glut in a specific worker population that overwhelms the number of relevant jobs available in the labor market. However, many scholars conclude that such a ratio is at best an anomaly within the nature of economic markets. Is this case here when we have public/private partnerships creating companies to produce this reserve labor force? Are we in fact compelled to entertain the possibility that these current economic relationships are not an anomaly, but at some level intentional? Whatever the case may be, this study certainly reveals that the current W-2 program is producing a laborer without a labor market. To be sure, it welfare was still held under the authority of the public, a reserve laborer. However, when we have public/private partnerships creating companies to produce this reserve labor force, where we have an in specific worker population that overwhelms the number of relevant jobs available in the labor market, whatever the case may be, this study certainly reveals that the current W-2 program is producing a laborer without a labor market. To be sure, it welfare was still held under the authority of the public, a reserve laborer.
produces not simply a reserve labor force, but a whole new industry where public resources are being transferred into private hands. The focus here should not only be on the laborer but it should draw attention to the state’s production of a new capitalist: the workfare agency.

Additionally, the W-2 program has created a system by which it has fashioned a product that is not superior to the so-called deviant welfare mother. In fact, W-2 has created the same product with less social responsibility on the part of the service provider. Instead of referencing participants in this study as poor welfare mothers, we now call them working-poor mothers. According to the participants in this study, the profit-driven mentality does not create a self-sufficient and independent working citizenry, it instead replaces government aid with corporate callousness wrapped in the economic rationale that poverty is a matter of personal responsibility, it’s a product of not wanting to work. There is no longer any kind of social commentary about the economic persistence of a poverty class; poverty is simply just a product of laziness and inefficiency. Shanice powerfully counters

I was able to get a job, but I did not keep it long because it was not paying me enough. I got more to just receive the $673 and look for a job than to work. Because when you find a job, they don’t want to give you no hours. It sounds good, $10, $12 an hour, but if you only get 5 hours a week, what’s that? Nothing. So I am poor and without money on welfare and poor and without money, working, so what you think I’m gonna do.  

This woman is espousing much more than the stereotypical status of welfare victimhood. It is clear that she wants a job, but even when the labor market is more than a phantom, even when jobs actually exist, the quality of the job keeps W-2 clients below the poverty line and any rational actor within the market place would, as she suggests, pick poverty without working than join the ranks of the working poor.

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880 Shanice, Interview by author, 2005.
In the end the commodification of need is simply the final stage, a consequence if you will, of the larger privatization of welfare as a social institution. In the current shift from welfare as a social agency to welfare as a private industry, the idea of efficiency replaces equality, profit replaces need, and consumer branding has all but overwhelmed the meaning of citizen rights. It is not that the participants in this study do not want to work or even that the FEP workers do not want to help, it is that such interests are fact antithetical to the now established market logic of simply and completely getting women off the rolls and the profits generated by that ethos.

**The Effects of Privatization on the FEP Worker and W-2 Client Relationship**

Not only has privatization changed the rules of the game but in fact has changed its players. Now welfare services are mediated by the more autonomous Financial and Employment Planners instead of state regulated social workers. This newfound autonomy coupled with a market driven mentality has created an even more antagonistic relationship with recipients. The source of this antagonism lies within two areas: the “scab” status of the FEP position and the consequences of a false upward mobility narrative in the celebrated move from client to FEP worker.

**Scab labor force.**

Within the traditional capital/labor dichotomy of the traditional work place, a “scab” is a worker who is not a member of organized labor. In the act of working, the “scab” undermines the solidarity, bargaining power, and status of the rest of the workers by opting to cross the picket line and hence undercut the collective demands of organized labor. The application here of the “scab” metaphor to FEP workers is not meant to focus on the act of crossing any picket line, but it is applicable because FEP workers replace social workers without commensurate
training or certification in ways that undermine the status of the social worker profession and the meaning of welfare itself. Therefore, this is not a traditional labor union argument where it is suggested that FEP workers are becoming the reserve labor force. Instead, the meaning and intentions of welfare as a social system has been shifted where many ex-W-2 clients have replaced social workers as FEP workers without any federal oversight or uniform certification but whose professional performance and benefits are dictated by individual employees. While this shift in employability and self-sufficiency may signal progress, it also creates a vulnerable social class because these women do not work under the cover of a national professional association.

However, we must not come to the workfare landscape with overly romantic ideas about the holy collaborative and autonomous role of the benevolent social worker/caseworker in mind. As the scholarship has made clear, under AFDC, the shift from social worker to case worker ushered in a host of incentives to get welfare mothers off the roll. However, in the age of W-2 the for-profit approach to work first extends beyond simply encouraging mothers to work. There is in fact now a benefits and promotion incentive for the newly created FEP worker whereby their economic livelihood is directly tied to the numbers of women that no longer live on the rolls. While large associations have their own limits, FEP workers are also left without uniform certification standards, training procedures, or appeals processes and therefore are left open to the potentially arbitrary and profit-focused dictates of the subcontracting institutions.

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By hiring W-2 recipients as FEP workers, these ex-recipients can be compared to the “scab” labor force because social workers who have a need based agenda are replaced with financial planners who, even by their name, reveal that the interest in social solutions is dictated by the market.

The other problem I have with W-2 is that they show favorites. Some of us can get a CSJ and it could be a good one. Some of us can get hired by the CSJ and even hired by W-2. My cousin told me that her friend [name withheld] was hired by W-2 as a FEP worker. Now this girl ain’t never worked before, I think she might have had her High school degree or GED, but she did not have no college and now she a FEP worker, counseling people on how to get a job when she don’t have a work history but W-2. But I ain’t mad at her, I wish I could get a job at W-2 so I could make money too. But then again I don’t want to deal with these people, I guess these people like me.882

As Shirley reveals, any employment is appealing. However, the rise of the FEP worker, suggests that not only will W-2 help you find a job, but provides the possibility that they will also give you a job. But what becomes elusive here is that without certification or training, these women can be paid less than social workers to do the same job. Additionally, these women have less bargaining power because of their status as previous welfare recipients. In some cases, working as a FEP, while living under W-2, gives this labor the status of “training” and hence can be low-paying and then if one complains, the former W-2 recipient faces the possibility of termination.

I was on W-2 before, but then I worked in several areas before I was a FEP worker. I was a secretary in the corporate office. Then I got moved as a unit clerk and then a case manager. I worked alongside of this other person who was also on W-2 with me and got hired. I was being trained as a FEP worker and I guess she was being trained as an assistant or something. She and I went through the training for about four months and then she got fired. She was fired because she complained or at least I heard that she complained about sexual advances by her boss. I know she complained about that but she also told me that they fired her because they wanted this to count as a CSJ for her which meant she would not get a real

882 Shirley, Interview by author, 2005.
pay check, but a W-2 check. She did not think it was fair and it really did not make sense, how she could work with a FEP worker and be in a CSJ position and have access to people’s information. So I guess she was stirring up a bit more trouble and they let her go. But because this was a CSJ she just got put in another one, I think at the Goodwill or something.\textsuperscript{883}

As a collective body, social workers\textsuperscript{884} have a much longer history with the state. They have longstanding protocols, codes of conduct, and a history of interaction amidst a semi-autonomous collective body of colleagues. With the introduction of this new fiscal element, ex-W-2 clients-turned-FEP workers do not have these established protections or associations nor do they have protection from any type of organized labor institutions but are left completely vulnerable to the whims of this contrived market. Additionally, when the position provides job security for an ex-W-2 client, what is in fact established is a false sense of upward mobility.

\textbf{False upward mobility.}

The strategic hiring of ex-W-2 clients as FEP workers generates a false sense of upward mobility because these individuals are provided social advancement within a job market that would not exist without the public aid that seeks to eliminate welfare. In fact, these women are working to make their job obsolete! Certainly, many W-2 recipients move from being clients to securing employment. However, the status of Financial Employment Planner only means something within the world of W-2. The nomenclature of Financial Employment Planner suggests an elevated status within a larger corporate model; that these women have moved up

\textsuperscript{883} Rachel, Interview by author, 2005.
\textsuperscript{884} As used in this research study, a “social worker” is a person who is professionally trained to engage in “various professional activities or methods concretely concerned with providing social services and especially with the investigation, treatment, and material aid of the economically, physically, mentally or socially disadvantaged,” http://www.merriam-webster.com/dictionary/social+worker?show=0\&t=1287460053; http://www.merriam-webster.com/dictionary/social+worker?show=0\&t=1287460053 (accessed October 18, 2010). A caseworker is a type of social worker.
within the work world. However, this image of corporate success masks the reality that the
standard FEP worker has no significant social work training, is not certified and therefore could
never transfer her job status outside of the world of W-2, and could in fact be working as a FEP
while still living below the poverty line. In a word, the seemingly corporate status of a FEP
position means nothing outside of the market that has been generated solely by these agencies.
This contradiction is not lost on the clients:

I can understand why these [FEP] workers won’t help me. They need us
to kiss their butts, they act like the money is theirs. They get these
positions and then think their ass don’t stink, like they better than us.
Well, they use to be us and if they keep on, karma is a mutha, they gone be
us. Because just like Clinton changed it before, he could change it again.
We had AFDC and then overnight there was no more AFDC and that
could be the same with W-2, here today and gone tomorrow. Then they be
standing in the cheese line (laughing) alongside of me.885

Perhaps what is not explicitly stated here by Special, is the suggestion that upward mobility is
not based solely on skill, but based on W-2 creating a position for uncertified and untrained
workers. Additionally, this sense of false upward mobility conveys to W-2 participants that a
job, such as a FEP worker, is available to all clients. In many cases ex-W-2 clients, now FEP
workers, deal with clients from the perspective of, “I moved up the social ladder why can’t you?”
But the reality is that in a time when there are few jobs available, there will never be enough FEP
positions or even FEP-like positions to match the labor demands of clients. A hard work ethic
doesn’t guarantee work let alone upward mobility:

She had the nerve to tell me that look at her she was able to get out of her
rut and get a job working here, so why can’t I. I was shocked that she said
this, she kept saying stuff like, she did it don’t make excuses, try harder, as
if we are all the same. I do not have a college degree. I can’t get a job
like this, I can’t go to college because first off which is stupid, W-2 won’t
pay but really, who gonna keep my kids. So how am I gonna make it like

885 Special, Interview by author, 2005.
she did and get a good job like this. Even so, how am I ever gonna get a job like this when all of my CSJs are either in a pantry or a secondhand store.\textsuperscript{886}

Additionally, what is revealing here is that on the other side, the hiring of ex-W-2 clients as FEP workers generates an antagonistic relationship between service provider and the clients. All participants in this study expressed some sort of hostility towards their FEP workers. A central component in this hostility rests in the fact that clients believe that FEP workers are not sympathetic to their needs. A key task in establishing the FEP worker/client relationship is the completion of the EP. Here the FEP worker’s job is to assess the strengths and weaknesses and needs and interests of the clients. With participants in this study, there was a consistent sense that the FEP worker was disinterested in their actual case during this assessment procedure. The EP is essential to the growth and development of the W-2 client, and therefore a feeling of disinterest or even borderline antagonism not only sets the tone for the FEP/W-2 client relationship, but also suggests no relationship at all.

The FEP worker’s job security is predicated on a for-profit fiscal framework dictated by the goal of reducing the rolls, where a callous approach to market demands trumps most efforts towards compassion for the mundane experiences of women surviving W-2.

They make you not want to come in and ask for help, the way they treat you. They are not sympathetic and sure not interested in who you are. I have to answer the same questions every time I come in…They are not interested in what I want to be and one time told me that was not realistic what I wanted to be…why am I trying to finish school. Well, why the hell not. Ain’t they suppose to encourage me, I thought that was what this program was all about. Instead, they rude to you, seem like they ain’t got no home training and they sure ain’t got time to hear no sob story from me.\textsuperscript{887}

\footnote{\textit{Ibid.}}
\footnote{Gigi, Interview by author, 2005.}
As these W-2 agencies take on a corporate model, ideally they produce a professional core of workers or service providers. But while FEPs are given white-collar titles they lack white collar training, certification, or commensurate financial benefits. The herculean rise of ex-W-2 clients to FEP worker makes for a poignant morality tale. Yet, this upward mobility takes place within a fictive labor market. In the face of limited and low quality of life jobs in the larger world, the possibilities of a W-2 client becoming a FEP worker are few and far between. In the end, the status of financial planner is appealing but places these workers in a vulnerable position and may leave these employees with little financial security.

On paper the push to privatization seems productive, cost-effective, even potentially lucrative. The idea that marketplace competition models can stem the tide of a bloated, costly, and ineffective governmental bureaucracy makes sense (and perhaps even dollars). However, the women in need are lost in the financial spreadsheets. Their stories in fact reveal the both intended and unintended pitfalls of a for-profit approach. In the end, we must ask ourselves, when it comes to our citizens in need do we want to associate the “best” solutions with the “cheapest” service. As we saw here, clients and FEP workers are pitted against one another fighting over scraps and both are getting played cheap. Under the shroud of “cost effectiveness,” private agencies are reaping the financial windfall of “pimping” the state based on their ability to market their skills at converting welfare mothers into low-wage workers. What will be the ultimate cost?

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888 In 2001 five agencies controlled the W-2 zones in Milwaukee County. Employment Solutions was paid over 93 million dollars, OIC was paid over 50 million dollars, UMOS was paid over 39 million dollars, YW- Works was paid over 38 million dollars and Maximus was paid over 48 million dollars to provide service to W-2 clients. According to Wisconsin Fiscal Audit Bureaus Report in 2001, spending on welfare increased by over 150 million dollars from 1986 – 2001. Profits received by W-2 agencies totaled over 65 million dollars, http://www.legis.state.wi.us/lab/reports/01-7full.pdf (accessed October 18, 2010).
With our inheritance of this cost/benefit legacy in mind we need to begin thinking about how to recreate this framework. The voices of black women that have filled these pages must no longer serve as caricature of welfare failures but stand at the center of new and substantive solutions. With these women in mind, this project ends with recommendations for a welfare system that recognizes the controversies, challenges and the costs that face us if we reconstruct the welfare system.
CHAPTER 8
MUCH ADO ABOUT SOMETHING: CONCLUSION AND RECOMMENDATIONS

At the end of the day, all can agree that the costs of poverty are high. Some believe that poverty is a product of simple laziness and unrealistic expectations. While others understand poverty as a social strata embedded within the normal functioning of capitalism. However, what has changed is the national perception of poverty and from this, a new approach to public policy. The 1980s witnessed the large scale dismantling of liberal public policy. Although the federal roll back was not inevitable, this new approach did not have its own sui generous momentum, it did not speak for itself. What could have been seen as a callous rebuke of, quite simply, the basic responsibilities of a nation-state, in fact required a storyline, a set of actors, and finally a moral to the story of government divestment from the public polity. The “common sense” narrative that government bears some responsibility for ensuring a decent minimum level of daily life for everyone was replaced with a dark tale of a weak nation overrun by inefficient union labor, sexually irresponsible gays and lesbians, manhating “feminazis,” system abusing immigrants, and socially and sexually promiscuous welfare queens. The national body had grown lazy, effeminate, and abused by the excesses of social welfare programs. With this narrative in mind the only solution was what social critic Neil Smith terms revanchism—revenge against the logic of “rights without responsibility.” Out goes the nurturing mother ethos of support and sustainability and in comes the paternal tough love discipline of “Law and Order.” Therefore, we must understand the backlash of welfare reform as simply one nodal point along a complex circuit of revenge that took the teeth out of workers’ rights to engage in collective bargaining, added stronger restrictions on immigration flows (in terms of rights but not wage exploitation), and imposed stingy definitions on the “marriage” contract.

But then to add insult to injury, the global restructuring of the economy has required the United States to pay back longstanding debts and understand itself as no longer an economic player that transcends the travails of the market. To augment what we today call “globalization,” by the late 1970s and early 1980s, the nation state wrapped itself in the golden fleece of privatization. Many people shorthand this process as the rise of small government, but in fact the federal and state infrastructure had never been larger than in the age of privatization during the Reagan, Bush and Clinton administrations. The largest change witnessed is the shift of state resources from public to private hands under the guise of productivity and efficiency. Here, the coffers of transnational corporations were filled to the brim with the fiscal rewards of public-private partnerships and federally restructured tax abatements to keep American capital competitive on the world market. The country simultaneously witnessed unprecedented levels of unemployment or underemployment with the flight of capital across the globe and the declining value of both the dollar and academic degrees.

Economic decline was certainly real. But the public consciousness was never collectively directed toward the captains of capital flight who pulled up stakes for greener pastures devoid of labor or environmental protections or even the aristocrats of labor who preserved the shop floor as a white’s only boys club. Public enemy number one was cartoonish moral dramas of a government gone wild abound along the “Law and Order” landscape. The problem was highlighted by neat little sound bites and images captures of picket lines impeding production, affirmative action babies flunking out of elite universities, closeted men infecting families with the “gay disease,” illegal aliens receiving social security, and welfare mothers driving Cadillacs to pick up welfare checks. These sights and sounds were larger-than-life, compelling, captivating; the American people had had enough. An American “way of life” was
in gross decline and based on the images made available in multi-media rotation, economic decline was a product of immoral behavior. Therefore, legislators, policy makers, lobbyists, and even everyday citizens looked for line items that seem to exert unreasonable strain on the proverbial “tax dollar.” Due to the ebbs and flows of capitalism, most can concede that poverty does and will continue to exist. However, the large number of citizens struggling at or below the poverty line, amidst grand displays of rich and famous lifestyles, required that the voting public understand the causes of large-scale poverty in a particular way.

The welfare mother caricature was a particularly prescient symbol of social decay and deviance because of the ways in which her purported excess made a direct causal link between behavior and fiscal dis-ease. She was the perfect villain in an epic tale about the “enemies among us.” The welfare mother was the living embodiment of deviation; racially distinct, matriarch of the traditionally male headed family structure, sexually promiscuous for profit, and reportedly demanding rewards without regard to merit. The larger logic of “Law and Order” found its welfare reform analog in the language of work first, time limits on aid, and the privatization of services to encourage quality control through market competition. However, the market never speaks for itself and race and gender profoundly shaped the grand narrative of economic decline and salvation. In the case of welfare reform, political leaders and media pundits crafted a vision that placed poverty’s causes not at the feet of capitalism’s normal functioning but on the bad choices of largely Black and Latino mothers—behaviors that arguably derived from a self-sustaining “culture of poverty.”

The paternalistic essentialist framing of welfare policy in America shaped the framework of reform by defining the common good and the bounds of reasonable strain on the economy within democratic debate. Under paternalistic essentialism, the welfare mother’s inability to
delay gratification and refrain from sexually promiscuous temptations were no longer simply the bad decisions of any citizen, but the expressions of a distinctly suspect substratum, dysfunctional market actors who were behaving like children and therefore needed less “free” money” and more parental “tough love.” The state had been a bad parent by creating, if not a culture of poverty, then surely a culture of dependency that was being passed on to welfare’s children, those who will never learn a work ethic and in fact expect economic support without any personal responsibility. Therefore the welfare rolls had to be cut and these “queens” had to be put to work. This welfare queen narrative was so extremely powerful and compelling that welfare mothers (mothers on AFDC) did not even want to be “welfare mothers”.

But as I have argued throughout this study, the very racialized and gendered lens through which welfare reform was enacted failed to address the lived conditions under which welfare mothers actually existed. Both general citizens and welfare mothers alike shared legitimate frustrations with the bureaucratic functioning of AFDC. However, there sat a range of possible solutions beyond simply subsuming social welfare policy under a market logic of sub-contracted privatization. At the inception, I asked the simple question: why were the mothers themselves never consulted about the kind of welfare system that would work for their shared desires for economic and social self-sufficiency? Based on the voices of the mothers, I found out that while couched within a language of marketplace efficiency and accountability, the W-2 program in fact created a false market of FEP workers and sub-contractors that depended on the subordination of the workfare class for its own narrative of upward mobility. Moreover, while work in itself is a laudable goal, the idea that work on its own was enough, was predicated on the racialized and gendered assumption that welfare mothers did not have the cultural capacity for a basic work ethic and ignored the very absence of quality work. In the end, the vision of reform required a
particular understanding of welfare mothers that then could only be disciplined and hence saved by the solutions offered through W-2. Again, such strategies had little to do with the conditions and aspirations of welfare mothers themselves.

Based on a “thick” description of the W-2 experience in the model state of Wisconsin, I want to end with the mother’s critiques of the system and from this offer some productive solutions for a more robust architecture of reform. One of the major frustrations articulated by mothers is that welfare reform is premised on a number of cultural assumptions that ignore the complexity of women’s lives and the contemporary marketplace. From the top, they argued that W-2 must address the individual needs and experiences of recipients. A major presumption within welfare reform discourse is that poverty is a product of a general inability or resistance to work. Therefore, in policy this means that whether a recipient is a second-generation welfare mother with little to no work history or a college graduate falling on hard times with an extensive work history, they are all required to go through a battery of “apprenticeship” trainings to learn how to work, as a condition for aid. Moreover, if a mother has children and cannot find adequate childcare for training programs, her checks can be reduced. Almost every mother indicated that they had to fill out a complex work and family history form but were then all routed through the same skill assessment and training programs and sanctioned based on a uniform understanding of family structure and accountability. One of the major consequences of this boilerplate process is that the actual conditions under which mothers navigate W-2 are left in the unfettered hands of FEP workers. Moreover, mothers, especially those with substantial skills, become downsized into an undervalued workforce. In the name of apprenticeship, welfare reform requires these women to perform tasks below minimum wage that no one wants to complete.
In this study, mothers agree with the larger public that welfare needs to be reformed. However, their experiences demonstrate a need to change the fundamental principle of welfare reform from “tough love” to a system of policies, which yes, encourage work, but without demonizing motherhood and the unique challenges of poor mothers. Mothers continually discussed a shared belief in the idea that W-2 should be short term. However, a short-term approach must call on policymakers to turn the W-2 system into a transitional program which helps participants establish meaningful paths to self-sufficiency and not simply just acquire “work” in its most abstract sense.

Over and over again, mothers complained about the arbitrary and seemingly draconian decision-making polices of FEP workers. Recipients firmly stated that their fate should not be left up to the arbitrary actions of FEP workers and that at least, a two tier appeals process must be put in place to establish oversight for what seem to be arbitrary decisions about skill assessment, job placement, and monetary sanctions. In the end, participants asked to be treated with a basic level of respect and human decency, an approach that works against the very paternalistic essentialist vision that drove welfare reform. Mothers also understood that some of the approach that FEP workers take rests on a larger work first initiative to get women “off the rolls” and into work, no matter what kind of work. This “work first” imperative encourages a potentially antagonistic relationship between FEP workers seeking bonuses based on the number of recipients they get off the rolls and recipients seeking to receive assistance in accordance with their specific conditions. When a mother may offer a counter position about her placement or if the FEP worker is just having a bad day, antagonism can be expressed through a FEP worker’s use of unchecked discretionary power against the mother, usually in the form of economic sanctions.
Mothers argued directly that the transitional support of child care, food stamps or health care should not become a means of disciplining participants into compliance. If the goal is to transition women into sustainable employment, benefits cannot serve as a weapon. Alongside the end to unchecked oversight and a roll removal approach, FEP workers should also be allowed more flexibility in addressing individual circumstances in ways that are compensated alongside the bonus structure for getting women off the rolls. W-2 benefits help mothers make the transition to self-sufficiency while arbitrary sanctions work against the state goals of W-2. Overall, both FEP worker performance and recipient sanctions must be placed under a larger infrastructure of oversight that tends to individualized needs of the mothers and their families.

While mothers demanded that W-2 must be more realistic about the conditions of the recipients, they were also savvy enough to assert that the program must assess the actual conditions of the marketplace. The premise of work, regardless of quality, throws mothers out into a callous marketplace that is downsizing at even the top tiers of employment. In this context, desires for social welfare with limited health benefits and childcare vouchers is not a matter of greed or dependency but makes good economic sense. If work is to truly be an incentive in itself, the W-2 training programs and educational possibilities must lead to work that provides a quality of life superior to that of W-2. With skills in door knocking, hanger making, and sweeping, mothers are being tracked into the bottom rung of the service economy. At best, the two dominant W-2 job tracks of certified nurse’s assistant and childcare provider training are creating a gluttony of certified nursing assistants with no available jobs on one hand and a marketplace bubble of “independent” childcare entrepreneurs that depend on the vouchers given to mothers from W-2 for their consumer base. In our overwhelmingly white collar information and service economy, the restrictions on two-year and four-year college training for W-2 mothers
must be lifted so that mothers can be realistically competitive for the quality jobs that are actually available in a rapidly shrinking marketplace.

Mothers also argued that if the marketplace logic of privatized aid was to continue, there must be more, not less competition between sub-contractors. Much of the premise behind the privatization of service provision through sub-contracted bids, rested on the presumption that marketplace competition would increase service efficiency but also quality. Ideally if a mother, as consumer, was not satisfied with the services at one location, she could go somewhere else and hence her consumer choice would become a “self-regulated” form of quality control. However, in the actually existing W-2 marketplace, when a private agency wins a bid it is given control over an entire region of the city. Therefore, little competition takes place because there is little incentive for quality control when no consumer choice exists.

The need for oversight and individualized programming speaks to the larger interests, on the part of participants, for a collaborative community-based partnership framework. Welfare reform was premised on the belief that participants are coming from dysfunctional communities. Even if we accept this flawed premise, it establishes that reform must be situated within the communities that welfare mothers navigate. Therefore, reform must develop collaborative community partnerships that cut across the public-private divide. Partnerships should include civic associations, local businesses, churches, non-profit organizations, local institutions of secondary and higher education, and volunteers coordinated together in a multi-agency effort to address the larger issue of poverty. This community-based approach can offer more tools to meet the individual needs of specific mothers while holding both public and private agencies accountable to an ethos of ending poverty, as opposed to ending welfare. In this context, the state can and must be brought back into the conversation, not as the final word on reform
decisions, but by serving a mediating function between participants and the various organizations committed to fighting poverty. This approach both challenges the real obstacles of a bureaucratic framework while also holding private agencies accountable to community-based goals of poverty elimination.

State welfare agencies could then be evaluated not simply by how many mothers they get off the rolls but by the degree to which they can adapt, create, and collaborate on initiatives that address the specific needs of mothers. Here FEP benefits would be determined in ways that push beyond decreased rolls and instead look at the quality of work for W-2 mothers, the health and educational conditions of their children and the degree to which participants establish sustainable self-sufficiency. Such an approach requires that evaluations take into account, and not simply ignore, the realities of the employment marketplace. If the country is struggling against an economic recession, then such realities should be factored into the meaning of FEP worker success. The number of women a FEP worker removes from the rolls should be evaluated with an understanding of the number of quality jobs which are available. A related factor is that private industries must be required to pay participants a living wage and not be allowed to prey on W-2 mothers because they currently bring with them a heavy wage subsidy provided by the program. In the argument for a truly competitive marketplace, the subsidy that benefits private industries must end. The state could serve as a clearinghouse where community organizations can engage in collaborative action to deal with child care, drug abuse, carpooling, pre-natal and health education, and private businesses can be held more accountable through quarterly reports, site inspection, training programs, and regular reviews of employment rosters.

I must add however, that we must challenge the overall fallacy that the marketplace is a self-regulating terrain that ensures quality through competition. In the current chaotic global
marketplace we are witnessing a flurry of tariffs, subsidies, regulations, and incentives that give structure to business as usual. W-2 has used public dollars to create a marketplace bubble where recipients are largely tracked into the fields of childcare entrepreneurship and CNA worker professional which sits alongside the subcontracted service agencies. At the same time, the W-2 tracking of women into the bottom rung of service economy provides a low skilled, underpaid workforce for the service economy that is subsidized by the public aid of W-2. If we concede that the private marketplace is hardly self-sufficient and is continuously subsidized by pubic aid, then perhaps we can look anew at welfare reform. W-2 provides a cheap labor force to private industry while producing the small business strata of private contractors. The current tax structure even rewards such actions under the guise of philanthropic write-offs. But this requirement of responsibility goes beyond profit. Social welfare should have never been placed under the logic of marketplace competition, especially within a marketplace that is itself made possible by public aid.

In sum, a project of reform must place the experience of welfare mothers at the center of policymaking and therefore take the following challenges into account:

- Eliminate the “paternalistic essentialist” framing of welfare reform.
  - Shift from a “tough love” approach to welfare reform towards building a system that encourages work without demonizing the social realities of participants, largely poor mothers of color.
  - Welfare mothers must be treated with respect and as co-creators of welfare reform.
- Eliminate bureaucratic obstacles to address the individualized needs of recipients.
- Continue to understand welfare as a short-term and transitional program but without the threat of sanctions on essential benefits.
  - FEP worker performance and recipient sanctions must be placed within a larger framework of oversight.
• A condition for “work first” must be meaningful work based on the actual conditions of the mothers and provide a quality of life at least equal to W-2.
  o The restrictions on two-year and four-year college training for W-2 mothers must be lifted so that mothers can be realistically competitive in the job market.

• Welfare reform must institute a collaborative community-based partnership framework.\(^{890}\)
  o Include a range of public and private partnership initiatives toward the larger goal of ending poverty.
  o Prevent private sub-contractors from having a monopoly on a particular service region.
  o Bring the state back into welfare program as a mediator between public and private institutions.
  o Private businesses must no longer be subsidized for taking on recipients.

While the inefficiencies of a larger bureaucratic infrastructure failed, so too is the current privatization ethos and failing largely for the same reason. Neither approach placed the women on welfare at the center of analysis and reform. In their hands, in their insights, and in their experiences rests the solutions to welfare’s failures. Taking an honest and humane look at the conditions under which welfare mothers live would not just save them. Considering the number of “good” citizens and corporations now seeking social welfare in the fallout of privatization excess, if we had listened to the struggles, critiques, desires, and solutions found in the stories of welfare mothers, perhaps we could have all been saved.

\(^{890}\) Ohio has created a program called Quality Services through Partnerships (QStP) which offers public services in collaboration and cooperation with Ohio Civil Service Employee Association (OCSEA), http://www.dol.gov/oasam/programs/history/reich/reports/worktogether/chp4snap.htm (accessed October 27, 2010).
APPENDIX A—UNSTRUCTURED INTERVIEW QUESTIONS

Before Interview

Review Consent Form (Appendix B) and obtain signatures.

1) Demographic information
   a) Pedigree
      i) Age
      ii) Race
      iii) Highest level of education
      iv) US Citizen
   v) How long lived in Wisconsin
      (1) What state did you move from
      (2) Did you receive any public assistance, welfare, workfare from that state?
         (a) For how long?
   b) In your mind, what is AFDC?
   c) What is W-2?
   d) What is the difference between the two programs?
   e) Years on AFDC/W-2
      i) Have you ever received Aid to Families with Dependent Children ( AFDC)
         (1) Approximately what years
      ii) Do you currently participate in the W-2 program?
         (1) When did you first begin?
            (a) Were you pregnant at the time you applied?
            (b) Did you receive case management services?
            (c) If after 1/1/2000 ask
               (i) Did you receive any written descriptions of the benefits and services
                   provided by W2?
      iii) If no, had you participated in W2
      iv) Or are you eligible but refused to participate?
      v) Have been denied assistance but are eligible?
         (1) Why?
      vi) How long have you been receiving assistance from W2?
         (1) How many cumulative months of the 60 month limitation do you have left?
      vii) What type of assistance do you receive
         (1) Medical
         (2) Cash assistance
         (3) Food stamps
         (a) Do you share your EBT card with family and friends who might need help?
         (4) SSI (supplemental security income)
         (5) SSDI (social security disability Income)
         (6) Unemployment insurance
         (7) Worker’s compensation
         (8) Child’s support
         (9) Veteran’s benefits
(10) Workforce Investment Act Programs
(11) Vocation Rehabilitation Programs
(12) Other
viii) How did you get referred to these programs?
   (1) Were you required to accept these programs?
ix) What level of W-2 are you on?
   (1) Unsubsidized employment
   (2) Trial job
   (3) Community service job
   (4) W2 Transition
x) What is your income package? How much money do you get?
f) Number of children
   i) Ages
   ii) Sex
   iii) Do they attend school?
iv) Are they in day care?
   (1) Is it federally funded?
   (2) How did you get referred to the day care provider?
   (3) How much time are your children in day care?
   (4) Do you like the quality of care from the day care?
   (5) Do you think that mothers should be allowed to stay at home with their children?
   (6) Do you think that mothers receiving W2 should be allowed to stay home with their children?
v) Were you referred to Children’s Service Network? (CSN)
   (1) Did you use their services?
   (2) What
   (3) What do you think of the services
   (4) Were they helpful?
g) Marital status
   i) Does your spouse participate in W2?
   ii) Do you have a partner, boyfriend?
   iii) Is he the father of any of your children?
   iv) Does he/she live with you?
v) Do they participate in family functions?
vi) Help provide emotionally for the family
vii) Financially for the family
2) Do you know if your parents or grandparents received public assistance?
a) Did this encourage welfare as a solution for income?
3) What happened when welfare was reformed in Wisconsin?
a) What do you think are the goals of welfare reform in Wisconsin?
b) Do you agree or disagree with the goals?
   i) Accountability
   ii) Self-sufficiency
   iii) Dependency
   iv) Opportunity
   v) Work
vi) Do you think that W2 helps build and strengthen the connection between work and self-sufficiency?

4) What are the advantages or disadvantages for being on W-2?

5) Have you had to make any changes in your family, social, political, or economic life as a result of welfare reform?

6) Information about their knowledge of what is expected of them?
   a) What are the rules and regulations that you have to follow to stay on W - 2?
   b) Did you complete an Employability Plan?
      i) With a Financial Employment Planner (FEP) or Supportive Service Planner (SSP)
         1) Describe your interactions with the FEP or SSP
      ii) Did you have a say in what you had to do for the EP?
      iii) What were your goals?
      iv) Does/Did W2 assist you with these goals?
      v) How many times was your EP reviewed and updated?
         1) At any time did your goals change?
         2) Was this reflected in your EP?

7) Let’s go back to the day you applied for W2 can you tell me what happen from start to finish?
   a) Where did you go Job Center or W2 Agency?
   b) Treated with courtesy and respect?
   c) Discriminated?
   d) How long did it take for your services to begin?
   e) What did you have to do to get the services to start?
   f) How did you make ends meet until the services started?
      i) At that time what was your average monthly income?
   g) How helpful was the resource specialist
      i) FEP
      ii) SSP
   h) How often did you have to meet with the staff worker?
      i) Tell me about a typical day or interaction
      ii) Describe relationship both positive and negative.
   i) Did they schedule meetings at your convenience?
   j) Did they make home visits?
      i) At whose request?
      ii) How often?
   k) Do you think certain women get treated different who are on W2
      i) Based on education
      ii) Race
      iii) Language
      iv) Marital status
      v) Number of children
   l) Has the FEP or SSP ever accused you of fraud?
      i) What happen?
      ii) Were you given the opportunity to clear your name?
      iii) How?

8) Describe your work history
a) Before W2
   i) Have you ever been employed as an adult outside of W-2
   ii) For how long?
   iii) What were the circumstances under which you lost your job?
   iv) How did you find your job?
   v) Describe your satisfaction with your job?
   vi) Hourly salary?
   b) After W2
   i) What training if any did you receive before being placed in a job?
   ii) How satisfied were you with the training?
   iii) How long have you been there?
   iv) Do you like the job?
   v) According to W-2 manual a reasonable unsubsidized employment opportunity means a minimum wage job
      (1) Hourly salary?
      (2) Is this salary you receive enough to make ends meet?
      (3) What is a reasonable unsubsidized employment opportunity to you?
   c) Have you ever refused employment offered through W-2?
      i) Why?

9) Can you attend College instead of work if you are on W2?
   a) Are you in College?
   b) Have you considered College?

10) Who cares for your children when you are at College or work?

11) What is the Three Strikes Rule for W-2?
   a) What are the penalties
   b) Have you received strikes?
   c) How many times?
   d) Why?
   e) What happens if your child is sick and you need to keep the child home?
      i) You?
   f) What happens if you get fired?
      i) If you receive a reduction in your aid, how do you make up for the amount of money lost?

12) How much longer do you think you will be on W – 2?

13) If you were not participating in W - 2 how would you support yourself?
   a) Have you ever had to do anything illegal to make ends meet?

14) What do you think that women receiving welfare are most concerned about?
   a) If you could change this program how would you change it
   b) Why?

15) Do you like receiving W-2 services?

16) Do you think that the welfare reform addresses your needs?
   a) Do you have any family related problems
      i) Legal problems
      ii) Family crises
      iii) Homelessness
      iv) Domestic abuse
17) What do you think of the rules?
18) Do you feel that since the government gives aid should have the right to tell you what to do
or a say in your behavior and how you raise your children? Or relationship with your
children’s father/
19) At any time has the importance of marriage been stressed to you?
20) Do you think that you would penalized if you disagree with your case workers?
21) Do you feel like a child or adult when dealing with the W2 officials?
22) Do you feel like less of a person because you receive W2?
23) Do you think that W2 is a right or a privilege?
   a) Is it charity?
   b) Or social security?
24) Do you think it is the obligation of the state government to help needy children and their
parents?
25) What is more important to you a job or the type of job?
26) Do you feel powerful in the decision made over your life?
27) If you had a choice to stay at home with your children or work which would you choose? Or
both?
28) To you knowledge has there ever been an attempt by W2 recipients to lobby or fight for
better treatment?
   a) Do you feel discourage from doing that?
   b) Why?
29) How do you think W2 benefits the employer?
   a) Does it benefit them more than you?
30) Is being on W-2 easy?
31) How do you in vision life after w –2?
   a) What does that look like?
Informed Consent to Participate in a Research Study

I am inviting you to take part in a research study. This form will tell you about the study, however, I will also explain it you first. You may ask me any questions that you have. When you are ready to make a decision, you may tell me if you want to participate or not. You do not have to participate if you do not want to. If you decide to participate, I will ask you to sign this statement and will give you a copy to keep. The intent of this research is to examine the development and implementation of the Wisconsin Works Program (W-2). The purpose of the interview with you is to find out what your experiences have been as a result of W-2.

If you decide to take part in this study, I will tape-record your interview about your experiences with the W-2 program. Interviews will be conducted at your convenience and will last approximately one hour. Your true name and contact information will never be revealed in the final project and you will remain anonymous. That means no one other than myself will know the answers you give in the interview. While I cannot anticipate all situations, this interview should not pose any foreseeable risks or discomforts. There will be no direct benefit to you for taking part in the study. However, the information learned from this study may help inform future policy decisions regarding welfare reform in Wisconsin. No special arrangements will be made for compensation or for payment for treatment solely because of your participation in this research.

Your participation in this research is completely voluntary. However, in order to thank you for your complete participation, breakfast, lunch or coffee will be provided.

You may refuse to participate in this interview without any negative outcomes, you may refuse to answer any question I ask during the interview and you may quit answering questions altogether at any time. You do not have to participate if you do not want to. Even if you begin the study, you may quit at any time. If you do not participate or if you decide to quit, you will not lose any rights, benefits, or services that you would otherwise have. Do you understand what I have just explained to you? Do you have any questions?

Here is my number if you have any questions you may contact me at Northeastern University College of Criminal Justice. 617 373 7457. If you have any questions about your rights as a participant, you may contact Vivienne A. Conner, Coordinator, Human Subject Research Protection, Division of Research Integrity, 413 Lake Hall, Northeastern University Boston, MA 02115 tel. 617-373-7570. You may call anonymously if you wish.

I agree to take part in this research.

_________________________  _________________________
Signature of participant      Date

____________________________________________
Printed name of person above

Bridgette Baldwin, Principal Researcher  Date
Table 4.1. Federal Poverty Level as of 2/1/2008 (W-2 Manual, 2008: Chapter 3.1)

<table>
<thead>
<tr>
<th>Size of the Family</th>
<th>Federal Poverty Level Monthly at 115% ($)</th>
<th>Federal Poverty Level Yearly at 115% ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>997</td>
<td>11,960</td>
</tr>
<tr>
<td>2</td>
<td>1,342</td>
<td>16,100</td>
</tr>
<tr>
<td>3</td>
<td>1,687</td>
<td>20,240</td>
</tr>
<tr>
<td>4</td>
<td>2,032</td>
<td>24,380</td>
</tr>
<tr>
<td>5</td>
<td>2,377</td>
<td>28,520</td>
</tr>
<tr>
<td>6</td>
<td>2,722</td>
<td>32,660</td>
</tr>
<tr>
<td>7</td>
<td>3,067</td>
<td>36,800</td>
</tr>
<tr>
<td>8</td>
<td>3,412</td>
<td>40,940</td>
</tr>
<tr>
<td>9</td>
<td>3,757</td>
<td>45,080</td>
</tr>
</tbody>
</table>
Table 4.2. W-2 placement levels.

<table>
<thead>
<tr>
<th>Placement Level</th>
<th>Benefits</th>
<th>Requirements</th>
<th>Time Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unsubsidized Employment</strong></td>
<td>Minimum wage (payment made by employer) Food Stamps Badger Care Earned Income Tax Credit</td>
<td>Participant must work 40 hours per week</td>
<td>None</td>
</tr>
<tr>
<td><strong>Trial Jobs</strong></td>
<td>Minimum wage (payment made by the employer - $300 wage support to employer) Food Stamps Badger Care Earned Income Tax Credit</td>
<td>Participants must work 40 hours per week</td>
<td>Three – Six months per job opportunity 24 month Maximum placement at this level</td>
</tr>
<tr>
<td><strong>Community Service Jobs</strong></td>
<td>$673 cash subsidy per month Food Stamps Badger Care</td>
<td>Participants must work 30 hours per week at CSJ Participants must attend 10 hours in other activities</td>
<td>Six – nine month per CSJ 24 month Maximum placement at this level</td>
</tr>
<tr>
<td><strong>W-2 Transition</strong></td>
<td>$628 cash subsidy per month Food Stamps Badger Care</td>
<td>Participants must work 28 hours per week (appropriate activity level) Participant must attend 12 hours in other activities</td>
<td>24 month Maximum placement at this level Unlimited Extensions granted on a case by case basis</td>
</tr>
</tbody>
</table>
Table 4.3. W-2 penalty and sanction scheme.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Sanction</th>
<th>Re-Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence</td>
<td>$5.15 per hour</td>
<td>If FEP determines that absence is excused for “good cause” no hourly sanction.</td>
</tr>
<tr>
<td>Refusal/Non-Compliance</td>
<td>Every time a participant refuses to comply a strike will be issued. After three strikes, participant is ineligible for services in the placement level for life.</td>
<td>None</td>
</tr>
<tr>
<td>Incarceration</td>
<td>Less than thirty days will result in sanction at $5.15 per hour per day.</td>
<td>If FEP determines that absence is excused for “good cause” no hourly sanction.</td>
</tr>
<tr>
<td>IPV</td>
<td>Ten years if convicted by state or federal Court. After three IPVs, participant is ineligible for services for life.</td>
<td>After ten years unless third IPV then none.</td>
</tr>
<tr>
<td>Felony Drug Conviction</td>
<td>Up to 15% reduction for twelve months if test is positive.</td>
<td>Submit to drug test after twelve month sanction period.</td>
</tr>
</tbody>
</table>
Figure 4.1. Comprehensive Job Centers and Access Points of Service Locations in Wisconsin’s 11 Workforce Development Areas. (W-2 Manual, supra note 595 at Appendix V).
Figure 4.2. W-2 participation and access to services (adapted from W-2 Manual, 2008: Chapter 1:17).

*Resource Specialist prescreens applicants to determine if W-2 can offer assistance.

**Must be a public employment to assist with certain services.
Figure 6.1. Wisconsin AFDC/Jobs participant assignments.\textsuperscript{891}

Note: High School, GED, ESL are remedial education data. Job skills and vocational training are job training data.

Figure 6.2. Education levels of participants.
Note: A terminal degree as described here refers to an Associate Degree or higher.

Figure 6.3. Participants receiving certifications and training.
Figure 7.1 Services privatized under PRWORA (and W-2)

Case Management: intake and diversion activities, Eligibility, case monitoring and tracking, and sanctions for noncompliance.

Employment Services: job search and placement assistance, work experience, education, and training.

Support Services: Child care, transportation, mental health, substance abuse treatment and domestic violence counseling.
Figure 7.2. Milwaukee W-2 regions map.
Figure 7.3. Total AFPC/W-2 cases with a cash benefit.
APPENDIX E—APPLICATION FOR APPROVAL FOR USE OF HUMAN PARTICIPANTS IN RESEARCH

Before completing this application, please read the *Policies and Procedures for Human Research Protections* to understand the responsibilities for which you are accountable as an investigator in conducting research with human participants. The document, *Application Instructions*, provides additional assistance in preparing this submission. *Incomplete applications will be returned to the investigator. You may complete this application online and save it as a Word document.*

If this research is related to a grant, contract proposal or dissertation, a copy of the full grant/contract proposal/dissertation must accompany this application.

A. Investigator Information

Principal Investigator (**PI cannot be a student**)  Bridgette Baldwin

Investigator is (circle one) **NU Faculty**  **NU Staff**  **Other**

College  College of Criminal Justice

Department  College of Criminal Justice

Address  407 Churchill Hall

Telephone  x7457  Email  b.Baldwin@neu.edu

*Is this student research?  YES  NO  If yes, provide the following information:*

Student Name  Bridgette Baldwin  Undergrad  MA/MS  PhD  **XX**

Campus Address  407 Churchill Hall  Anticipated graduation date  2007
Telephone  ____ 617 373 7457 ____  Email _____ b.Baldwin@neu.edu ________

Contact Person _____ Bridgette Baldwin ____________ Tel:  ____ 617 373 7457 _______

Address _______ 407 Churchill Hall ___ Email _____ b.Baldwin@neu.edu ___________

B. Protocol Information
.

Title _______ Wisconsin Works’?: Race, Gender and Accountability in the Workfare Era

Projected # subjects _______ 25 ________ Begin date of project 7/1/05 End date 8/30/05

month,  day,  year  month,  day,  year

Anticipated funding source for project (or none) ___ NONE _______________________

Has/will this proposal been/be submitted through: DSPA ___ Provost _____ Corp &

Foundations __

For NU IRB use:

Date Received: ________________________________  NU IRB No. ___________________

Review Category: __________________________ Approval Date ____________________
C. Will participants be:  

- [ ] YES  
- [ ] NO  

**Does the project involve:**  

- [ ] YES  
- [ ] NO  

<table>
<thead>
<tr>
<th>C. Will participants be</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children (&lt;age 18)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northeastern U. students?</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Institutionalized persons/prisoners?</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Cognitively impaired persons?</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Non or Limited English-speaking?</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>People living outside USA?</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Pregnant women/fetuses?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please answer each of the following questions using non-technical language. Missing or incomplete answers will delay your review while we request the information.

D. State your research question(s) and related hypotheses.

*My research question is how has welfare to work laws/policies affected the lives of “custodial” Black mothers in Milwaukee since Wisconsin’s transition from AFDC to W-2 in 1997?*

*This is a qualitative study – therefore hypothesis are best generated after interviews have been conducted. Nevertheless, I expect to find that while Wisconsin has reduced the caseload of women participating in the W-2 program, Black mothers have fared no better since the implementation of the program. I expect that new theories about interdependency and cultures of poverty will circulate through this new program in order to push for an even more punitive agenda. While I believe that there will be some success stories of women who have left the welfare roll and generated income above the poverty line, the overwhelming majority of single Black mothers will continue to be the symbol of what it means to be the “welfare queen”, be blamed for the delinquency of her children, continue to live in poverty and forever be neglected as a legitimate source of academic scholarship.*

E. Provide a brief summary in non-technical language.

In recent years, the American public has been overburdened with a powerful morality tale about the dangerous rise of the Black “welfare queen.” It is this image of the welfare queen that has become the driving force in all out demands for reforms in the welfare system. However, any complexity within reform debates have been so overshadowed by this image that little attention has been paid to the actual needs of these recipients. Therefore, the conditions under which they live are rarely considered, as policy changes attempt to “end welfare as we know it.” My dissertation project will involve an evaluative study of Wisconsin Works (W-2). This
evaluative study will have an impact analysis focus. As an impact analysis this project will survey the parameters of the program and its intended goals, examine whether the program achieved its intended goals and interrogate the success/failure of the program from the perspective of working class Black mothers who participated or are eligible to participate in the workfare program. My specific site of study will be Milwaukee, Wisconsin because it was one of the first programs and because of its centrality to early debates and policy reforms of the welfare system.

This study has particular appeal because when we think about welfare, its recipients, and its reform, a whole host of assumptions are generated that link recipient's working class status and racial and gendered identity to some moral evaluations of an innate or learned laziness, promiscuity, or dependency. Yet, under the shadow of the “welfare queen” imagery, we rarely understand that these women used welfare programs for a whole host of reasons with their own set of needs and intentions that are tied to their gendered and racially marked identity and economically unequal social status. Based on a variety of experiences, this project assumes that much of the political power that initially drove the welfare reform policy forward was backed by misrepresentations of Black mothers. In addition, this project seeks to find out what meaning the goals of independence, self-sufficiency and accountability have for Black mothers and therefore, from their points of view, evaluate the success of W – 2.

In addition, there has been little focus on the actual voices of mothers living through this transitions and how these experiences might challenge a statistical assessment of success. Because this study focuses on the experiences of Black women an Afrocentric feminist epistemology is appropriate. Drawing on Patricia Hill Collins’ notion of “concrete experiences” this study focuses on the voices of Black working class mothers from Milwaukee. Ironically, their voices have been eliminated from discussions, despite the fact that they are central both to shaping of reform (as the stereotypical “welfare queen”) and its implementation (as part of the working poor).

F. Identify study personnel on this project. Include name, credentials, role, organization affiliation.

*Bridgette Baldwin a faculty member will conduct all interviews

G. Identify other organizations or institutions that are involved. Attach current Institutional Review Board (IRB) approvals or letters of permission as necessary.

Churches

*Christian Faith Fellowship Churches
*New Hope Church of God In Christ,

Job centers

*Milwaukee Job Center North

*Milwaukee Job Center Northwest

*Milwaukee Job Center YWCA
H. Recruitment Procedures

Describe the participants you intend to recruit. Provide all inclusion and exclusion criteria. Include age range, number of subjects, gender, ethnicity/race, socio-economic level, literacy level and health (as applicable) and reasons for exempting any groups. Describe how/when/by whom inclusion/exclusion criteria will be determined.

Describe the procedures that you will use to recruit these participants. Be specific. How will potential subjects be identified? Who will ask for participation? If you intend to recruit using letters, posters, fliers, ads, website, email etc., copies must be included as attachments for stamped approval. Include scripts for intended telephone recruitment.

I plan on conducting approximately twenty to thirty in-depth interviews. The sampling frame for my study will be derived from Black mothers who attend Pentecostal, Baptist and Non-denominational churches as well as Black mothers who report to one of the following job Centers in Milwaukee; North, Northwest, and YWCA. The churches are not randomly chosen and are selected based on my familiarity with the community. In addition, the Job Centers were pre-selected based on their location in heavily populated African-American residential communities. There is no systematic approach to which location I choose first. The only limitation is that my sample should not come from one location so that I can have a cross-section of women. My sample will include Black adult mothers (above age 18), who (1) were on AFDC prior to 1997 and are now on W-2 at the time of the interview, or (2) are on W-2 at the time of the interview or (3) are not on W-2 but are eligible. At the time of the interview, socio-economic levels, literacy levels are not relevant, so long as the participant falls in one of the three categories above. The interviews will take place over a two-month period. At this stage, follow-up interviews have not been considered.

I plan to use a purposive sampling method because I am interested in gathering data from Black mothers as key informants of their experiences and producers of knowledge. Most women in the W-2 program are required to report to a Job center to get referrals for work, therefore the job centers are good locations to attempt to meet some mothers. In addition, I suspect that many Black mothers in the W-2 program will profess a profound affinity for religion and may also attend worship services at churches. Based on the mothers identified from the first method, I will also use the snowball sampling technique (get referrals) to meet more Black mothers who may have something to share. Therefore, recruitment will be primarily done on-site, face to face. There is no requirement that a person believe in or participate in any religious faith.

What remuneration, if any, is offered?

As an incentive to participate, participates will be invited to breakfast/lunch or coffee during the interview.
I. Consent Process

Describe the process of obtaining informed consent. Be specific. How will the project and the participants’ role be presented to potential participants? By whom? When? Where? Having the participant read and sign a consent statement is done only after the researcher provides a detailed oral explanation and answers all questions. Include a copy of informed consent statements that you intend to use, if applicable. If translations are necessary, you may wish to wait until the consent statement has final approval in English.

Once the participant has been referred to me, either by another individual or through my face-to-face encounters, I will explain that I am writing a research paper for Northeastern University and that it will be on an evaluation of the Wisconsin Works Program. The main focus of the project will be the opinions, feelings and interviews of people on the program. I will explain that the purpose of the interview is for me to be able to record their life story on welfare and/or W-2. I will explain that the interviews will be recorded so that I can have an accurate portrayal of their views. I will make sure that participants understand the goals and process for my project by allowing them to ask questions. In addition, participants will be told and it will be included in the informed consent that participation must be completely voluntary. The participant can elect not to participate without any negative outcomes, can refuse to answer any question I pose and quit at any time prior to the conclusion of the interview. The interviews will take place at a local diner during the morning and afternoon hours.

If your population includes children, prisoners, people with limited mental capacity, language barriers, problems with reading or understanding, or other issues that may make them vulnerable or limit their ability to understand and provide consent, describe special procedures that you will institute to obtain consent appropriately. If participants are potentially decisionally-impaired, how will you determine competency?

This section is not relevant to my project.

J. Study Procedures

Provide a detailed description of all activities the participant will be asked to do and what will be done to the participants. Include the location, number of sessions, time for each session, and total time period anticipated for each participant, including long term follow up.

I plan to tape record each interview, with the express (recorded) permission of each participant. Note taking during the interviews will be limited to non-verbal cues that a tape recorder cannot document. In addition, note taking will help to authenticate my conclusions during data analysis by recording my personal beliefs about the interviewee (such as credibility). Confidentiality will be maintained by allowing participants to pick a pseudonym (no last name will be used in the study). I will be the only person who can access the name
and contact information of the participants. This information is necessary for possible follow-up interviews. It is unknown how long each interview will last because they will be unstructured and narratives will be encouraged. However, I anticipate that at least one hour is appropriate. Other than answer personal questions, the participant will not be asked to do anything. The interviews will take place during the morning and afternoon hours presumably at a place to dine and at this time it is determined that only one session per participant will be needed.

Who will conduct the experimental procedures, questionnaires, etc? Where will this be done? Include copies of all questionnaires, interview questions, tests, instruments, etc.

I will do all the interviewing and prepare all the questions. While there will be a general outline for the questions, the interview will be mostly unstructured. Questions have been included.

K. Risks

Identify possible risks to the participant as a result of the research. Consider possible psychological harm, loss of confidentiality, financial, social, or legal damages as well as physical risks. What is the seriousness of these risks and what is the likelihood that they may occur?

The biggest ethical concern for my study will be confidentiality. While I plan to allow each participant to pick fictitious names, their true identity will still be recorded. In addition, in my capacity as a researcher, the law does not recognize privileged communications between participants and researchers.

Describe in detail the safeguards that will be implemented to minimize risks. What follow-up procedures are in place if harm occurs? What special precautions will be instituted for vulnerable populations?

The confidentiality risk is minimal because I will be the only person to have access to the true name and contact information of the participants. Links between the recorded conversations and the true identity of the participants will be kept separate at all times. The names and contact information will only be used if follow-up interviews are necessary.

If it appears that the participants are introducing some information, which could pose legal problems for them (based on my legal background), I will stop the recording and explain what
it could mean for them if the interview were to continue and allow the participant to choose to continue or terminate the interview.

L. Confidentiality

Describe in detail the procedures that will be used to maintain anonymity or confidentiality during collection and entry of data. Who will have access to data? How will the data be used, now and in the future?

Confidentiality will be maintained by allowing participants to pick a pseudonym (no last name will be used in the study). I will be the only person who can access the name and contact information of the participants. This information is necessary for possible follow-up interviews. True names and contact information will be gathered at the initial interview and kept separately from the tape recordings and notes which can identify the participants. Each participant will be given a coded three to four digit number, the first two numbers of the code will be their age. The last number(s) will be what order I interviewed them. These numbers will be used to link the individuals in case follow-up questioning is needed. The actual data which is being collected will be used to evaluate the W-2 Program for a dissertation study.

How and where will data be stored? When will data, including audiotapes and videotapes, be destroyed? If data is to be retained, explain why. Will identifiers or links to identification be destroyed? When? Signed consent documents must be retained for 3 years following the end of the study. Where and how will they be maintained?

The data including the audiotapes, will be stored in a locked office of the College of Criminal Justice. The signed consent forms, participant’s name and contact information will be stored in a locked home office until the data is ready to be destroyed, then signed consent forms will be moved to the locked office of the College of Criminal Justice. Data will be retained until the dissertation has been completed. While I cannot anticipate all reasons for retaining the data, if follow-up interviews are necessary then the data will not be destroyed until those interviews have been completed. Once the data is no longer needed, all data, identifiers, links, and recordings will be personally destroyed.

M. Benefits

What benefits can the participant reasonably expect from his/her involvement in the research? If none, state that. What are potential benefits to others?

The only immediate benefit that the participant will receive is breakfast or lunch as a means to establish comfort and having someone buy them a meal just to talk to them about
themselves might be a refreshing surprise. (After interviewing began, participants were offered a $10 gift certificate to a local store or $5 in cash.)

My project offers a new point of focus. It suggests in the production of policy, Black women should no longer be the objects, but the subjects of policy development and even reform. Their voices, opinions and everyday negotiations of the labor market and community life should serve as a foundation for any social welfare policy development that affects their lives. This kind of work reveals to me that not only do Black women, but women in general, continue to be marginalized when it comes to how welfare reform plays out. While gender issues can contribute to some problems Black women face, racialized notions of the undeserving poor permeate the lived realities of Black mothers and are reinforced through punitive welfare reform decisions. This study is particularly important for today’s public policy debates because statewide workfare initiatives have a significant impact on large groups of people. In particular, there are some unique characteristics of W-2 (which focuses on kinship care, child care subsidies, the intersections of private work sectors, family caps) that suggest we explore this arena to find out how low-income Black mothers have gotten along under the state’s policies. Moreover, there is a gap within academic literature, where much of the scholarship on welfare reform has focused on top-down or institutional examinations of the success of welfare reform based primarily on the percentages of recipients who have left the rolls.

N. Attachments
Identify attachments that have been included and those that are not applicable (n/a).
[ ] NA Copy of fliers, ads, posters, emails, web pages, letters for recruitment

[ ] NA Scripts of intended telephone conversations

[ ] YES Copies of IRB approvals or letters of permission from other sites

[ ] YES Informed consent statement (Approved form must be stamped by IRB before use)

[ ] YES Copies of all instruments, surveys, focus group or interview questions, tests, etc.

[ ] YES Signed assurance of principal investigator (required)
Bibliography


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Haney, Lynn and Robin Rogers-Dillon. “Beyond Dependency: Welfare States and the


Maximus, Inc. *Administration of the Wisconsin Works Program.*


Paulsell, Diane and Ali Stieglitz. “Implementing Employment Retention Services in


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**Websites**

http://dcf.wisconsin.gov/w2/contracts/20062009/default.htm (accessed on October 18, 2010).


http://www.legis.state.wi.us/lab/reports/01-7full.pdf (accessed on October 18, 2010).

Cases

Board of Regents v. Roth, 408 U.S. 564 (1972).
Harris v. Mc Rae, 448 U.S. 297 (1980).


**Personal Communication**

Piven Fox, Frances. Interview conducted by Bridgette Baldwin, March 5, 2005.

**United States Constitution**

United States Constitution, Fourth Amendment, U.S. Const. amend. IV.

United States Constitution, Fifth Amendment, U.S. Const. amend. V.

United States Constitution, Fourteenth Amendment, U.S. Const. amend. XIV.

**Statutes**


Minnesota Statute § 256D.065 (1991)).


Including:

Aid to Families with Dependent Children (AFDC).

Aid to the Blind (AB).

Aid for the Permanently and Totally Disabled (APTD).

Old Age Assistance (OAA).


Wisconsin Statute §49.143(2) (es) (1996).